Death by Religious Exemption:

An Advocacy Report on the Need to Repeal Religious Exemptions to Necessary Medical Care for Children

Coalition to Repeal Exemptions to Child Abuse Laws
Massachusetts Committee for Children and Youth
14 Beacon Street, Suite 706
Boston, MA 02108

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Introduction

The purpose of this Advocacy Report is twofold:

1. To provide the essential historical, legal, and policy analysis necessary for a legislative campaign to repeal the Massachusetts religious exemption law.
2. To identify and rebut the primary arguments used by groups opposing repeal of the Massachusetts exemption law.

Proponents of religious exemption laws have developed many unsupported, yet reasonable sounding arguments which they skillfully employ to influence public and legislative opinion. This Report seeks to expose, in detail, the many contradictions and distortions contained in the arguments of those who demand that parents have the right, for religious reasons, to deprive their children of necessary medical care even at the cost of preventable suffering, disability, and death.
I. Religious Exemption Laws Lead to the Cruel and Unnecessary Deaths of Helpless Children; These Laws also Falsely Mislead Parents Regarding their Legal Duty to Provide Necessary Medical Care for their Seriously Ill Children

The deadly consequences of religious exemption laws are apparent nationwide: over the past 25 years there have been over 150 reported deaths of children whose parents chose to rely on faith healing rather than medicine. There are at least 20 different sects and religious groups in the U.S. whose teachings deny the use of medical care. These groups include: Faith Assembly, Christian Science, The Believer’s Fellowship, Faith Tabernacle, Church of the First Born, Church of God of the Union Assembly, Church of God Chapel, Faith Temple Doctoral Church of Christ in God, Jesus through John and Judy, Christ Miracle Healing Center, NE Kingdom Community Church, Christ Assembly, The Source, True Followers of Christ, “No Name” Fellowship, End Time Ministries, Faith Cathedral Fellowship, Living Word Assembly of God, Traveling Ministries Everyday Church.

Christian Science is the largest and most prominent of these groupings. Church membership is estimated at 100,000 – 200,000 persons. The church estimates it has 1,800 churches and societies active in all parts of the United States. Since the 1970’s there have been at least 18 deaths of Christian Science children; these deaths occurred when the parents denied their children medical care in favor of purely “spiritual healing.” Of these deaths: three were from juvenile onset diabetes, an illness which can be controlled by insulin but which is otherwise invariably fatal; four from bacterial meningitis, a deadly illness which, with proper administration of antibiotics, is 90 percent curable; one from a ruptured appendix; one from pneumonia, and one from diphtheria (due to lack of vaccination).

Forty-four states have had religious exemption laws in force since the mid-1970’s. (In 1990 South Dakota became the first state to repeal its religious exemptions from health care requirements for sick children.) Furthermore, the above deaths are only those that have come to public attention. Certainly there are other known and unknown cases of death, injury, prolonged suffering, and permanent disability of children whose parents have refused effective medical treatment.

In 1988, the national office of the American Civil Liberties Union made the following statement regarding state religious exemption laws:

Children have rights too, and parents have certain rights which end when they intrude too far into a child’s right to live...the parent’s right to bring up the child in the way the parent thinks best—an important right...ends at the point at which the parents’ actions endanger the lives of kids...there cannot be in our view a religious exemption no matter how sincere a parent’s belief...

Prior to 1982, “For nearly seven years after religious immunity was put under federal mandate, no charges of child abuse, neglect, or manslaughter were filed in any cases of religiously-based medical neglect. Beginning in 1982, though, prosecutors filed charges in some deaths of children due to religious beliefs against medical care. From 1982 through 1989, criminal charges were filed in 29 such cases. To date there have been 21 convictions, 5 acquittals...of the 29 cases, 7 involved Christian Scientists, with a result of 5 convictions for manslaughter and child endangerment.” (Swan, The Law’s Response When Religious Beliefs Against Medical Care Impact on Children, 1990).

How is it that parents can be prosecuted in the deaths of their children when states have legislated religious exemption? Prosecutors and courts have determined that the state religious exemption laws do not necessarily exempt parents from responsibility from obtaining medical care if a child is seriously ill or if the illness results in the child’s death. In 1988, the California Supreme Court (People v. Walker) determined that the state’s religious exemption law applies only to the neglect statute and does not carry over to the state’s manslaughter statute. The Twitchells in Boston were convicted under a similar interpretation of the Massachusetts religious exemption law.
Not only do the religious exemption laws leave children vulnerable to death and disability, the laws can mislead (and be used by their churches to mislead) parents into believing that the state allows the substitution of prayer for medical care. Only when it is too late, after the agony of a child’s death, do parents come to realize they are accountable under the law. In effect, religious exemption laws are punitive rather than preventative.

It would be better, however, to make a parent’s legal duty clear before a child dies. Many parents would be relieved to obey the law if the state would make its standards clear. They do not comprehend the risks they are taking with their child when the state seems to endorse the withholding of medical care.


Swan, in the same article, further went on to state:

No one is trying to outlaw prayer. Doctors are willing for people of any denomination to pray for their patient. Religious exemptions appear to make prayer a legal substitute for the medical care needed by a sick child.

Prayer cannot be a substitute for medicine in serious childhood illnesses in which medical treatment has proven its effectiveness over decades or when medicine is expected to have some reasonable likelihood of success.

Faith and reason may both have their place in healing, but not the same place. The state must remain neutral between religions, defending everyone’s right to believe. But that does not mean it must remain neutral between “treatment,” as if spiritual healing and science were equal options for curing a bowel obstruction.


But where the issue is beyond real scientific dispute – as for example, with an operable malignant tumor, a case of acute appendicitis or treatable condition like juvenile diabetes – the state must have the power to compel parents to treat their children medically until they become adults.


Religious exemption laws are unconscionable because they deprive a group of children of the basic rights and protections of life and health guaranteed by law to all other children. In effect religious exemption to medical care constitutes an apparent state sanction of child abuse/neglect.

The conviction that led to a sentence of 10 years’ probation for David and Ginger Twitchell ought to alert Americans to a legal double standard that subjects the children of Christian Scientists to risks that are not tolerated for any other child.

In ordinary circumstances, parental failure to safeguard a child’s health, including seeking medical care for a grave illness, constitute child neglect or abuse and is subject to prosecution. But 43 states, including Massachusetts…provide an exemption for Christian Scientists, whose faith rejects medical care in favor of “spiritual healing.”

Given modern scientific knowledge, the legal exemptions can’t be excused. Society has a duty to say that Christian Science parents may take whatever personal hazards they choose on practicing their religion – but they may not expose their children to the risk of death and disability by refusing medical treatment.

Editorial, Chicago Tribune, July 8, 1990
Lawrence Tribe, a leading constitutional lawyer at Harvard, stated in a *Boston Herald* article on July 7, 1990:

*There should be a very clear duty on the part of all parents to take children to the doctor when a certain threshold is reached. Repealing the religious exemption would make it clear in the future that people like the Twitchells have to call in a doctor.*
II. Cases of Childhood Deaths Due to Parental Religious Objection to Necessary Medical Care

The following case summaries of children who died due to their parents’ choice to adhere strictly to their religious beliefs against medical care is taken, with permission, directly from material copyrighted by CHILD, Inc.

Christian Science Children

Seth Ian Glaser, 17 months, died March 28, 1984, in Culver City, California of h-flu meningitis (bacterial meningitis). The parents used only a Christian Science “practitioner” and obtained no medical care for Seth. The parents said that on March 27th, Seth seemed ill and very tired, so they requested absent “treatment” from a church practitioner. At various points Seth seemed to improve, but then relapsed. Symptoms on the 27th were fever, coughing, and rapid breathing and heart rate. The next morning the baby’s body turned blue and he vomited up food. At 11 a.m. the parents decided that Seth’s condition was serious and that they should take him to the “healer.” However, they had to wait for a 1 p.m. appointment. En route Seth went into convulsions that lasted for 90-second periods. His arms and legs became rigid. Even at this point, Seth’s parents testified that they did not seriously consider taking Seth to an emergency room. Alarmed at the severity of Seth’s illness, the Christian Science practitioner called the church legal advisor who told her that they had the legal right to withhold medical care. At 2:45 p.m. Seth stopped breathing. At this point another practitioner who reputedly had succeeded in resurrecting the dead was contacted. Not until 11 P.m. that night was Seth’s body allowed to be taken by mortuary personnel. Seth’s mother was charged with manslaughter and child endangerment; however, in a trial conducted without a jury, the Court directed a verdict in favor of the defendant.

Natalie Rippberger, eight months, died December 9, 1984 in Santa Rosa, California, of h-flu meningitis. The parents, Mark and Susan Rippberger, had retained a Christian Science practitioner for spiritual “treatment” but would not get essential medical care for their daughter.

The infection began approximately two weeks before Natalie’s death. Details of the course of Natalie’s illness were provided by the Christian Science “nurse,” who before her conversion to Christian Science was a licensed medical nurse. (After Natalie’s death the nurse left Christian Science and returned to studies in medical nursing.)

On December 4th, Natalie was going through periods in which her eyes were rolling and jerking (the disease organism attacks tissue controlling eye muscles) and her legs became rigid. On the 6th, Natalie was having very heavy convulsions. She was very rigid and her eyes were rolling back in her head. She also was very hot to the touch on the 7th, and the heavy convulsions continued. The only care provided to Natalie by the nurse involved Christian Science nursing “care”: bathing, changing Natalie’s sheets, bible reading, and prayer.

Not once was a doctor called, although medical care has a 92 percent success rate in treating the disease.

In the spring of 1984, six months before Natalie’s death, two sets of Christian Science parents were already under indictment in California for the death of their children because of their refusal to obtain medical care for them. Both children died of h-flu meningitis. In December, the Rippbergers called California Christian Science Church officials for advice about their desperately ill child. It is inconceivable the Church official spoken to by the Rippbergers did not know of the two indictments. According to Rippbergers’ testimony, the official must have told them that they could legally withhold medical treatment from Natalie. Nevertheless, Natalie’s parents, Mark and Susan Rippperger, were charged with felony child endangerment and involuntary manslaughter. Both were convicted of felony child endangerment.
Shauntay Walker, age four, died March 8, 1984, in Sacramento, California, of h-flu meningitis. Shauntay was home sick from her pre-school for 17 days. She received no medical care, only Christian Science “care.” Shauntay’s cousin, Danyelle, saw her 6 days before her death. Danyelle reported that Shauntay seemed unable to move her arms and legs and that her body was stiff.

Shauntay’s aunt, Claudia, reported that on March 8th, Shauntay was comatose and had lost a lot of weight. She told Shauntay’s mother, Laurie, to take Shauntay to the doctor, but Laurie refused. Claudia then told Laurie she would notify the authorities about Shauntay’s condition. Laurie responded to her sister’s threat by moving her children to the home of another Christian Scientist. Shauntay died there a few hours later. A Christian Science practitioner was retained by Laurie Walker for her daughter on February 21st—over two weeks before her death. She visited Shauntay only twice during her deadly illness. The practitioner denied seeing the symptom of Shauntay’s stiff neck (an immediate sign of possible meningitis) and lack of responsiveness pointed out to her by Laurie. Laurie Walker was charged with involuntary manslaughter, and on June 21, 1990, over six years after her daughter’s death, she pled guilty to that charge in a negotiated plea which left her no room to appeal. Laurie was sentenced to 600 hours of community service, and was instructed by the Court to provide medical care for her remaining daughter until the daughter’s eighteenth birthday. Ms. Walker is currently appealing the decision.

Amy Hermanson, age seven, died September 30, 1986, in Sarasota, Florida, of untreated juvenile onset diabetes. Her parents refused to provide her with necessary medical care. Her illness began in late August of 1986. The course of her illness is documented in the testimony from the trial of her parents for felony child abuse and third degree murder.

In August, Amy became thinner, her bones started to protrude through her skin, she developed dark circles under her eyes and her skin developed a bluish tinge. At school she often could not keep awake and would put her head on her desk and fall asleep. Amy’s aunt reported that in the 2 weeks before her death Amy had lost 10 pounds, that her eyes were sunken and were functioning separately and that she could barely walk and often had to be carried. On Friday, August 26th, four days before her death, Amy’s appearance was skeletal, according to a teacher. Amy told the teacher that she had been vomiting a lot and had been unable to sleep for a few nights. At the end, Amy had lapsed into a coma; she was lying on a bed without sheets; the sheets were found soaking nearby in several buckets with black vomit on them. A Christian Science “practitioner” had been retained to “treat” Amy, with prayer, on August 22nd.

Following Amy’s death, Chris Hermanson, Amy’s mother, stated that Amy had been healed by Christian Science the morning of her death, but that Amy had make her own decision to pass on. Mrs. Hermanson had constantly claimed during Amy’s illness that Amy was having an emotional problem deciphering her identity. She also states that Amy had become sick because of negative vibrations received from outside the home. Amy’s parents were charged with felony child abuse and third degree murder. Both were convicted on the charge of third degree murder.

Ian Lundman, age 11, died May 9, 1989, in Minneapolis, Minnesota of medically untreated juvenile onset diabetes. His mother and stepfather, as Christian Scientists, had the boy treated by a church practitioner instead of a medical doctor. Ian died in a diabetic coma.

On October 9th, 1989, the parents and the Christian Science practitioner attending Ian were indicted for manslaughter by a grand jury. However, in April, 1990, a trial court judge dismissed all of the manslaughter charges, citing a Minnesota religious exemption statute. A Minnesota court of appeals upheld the lower court’s decision to dismiss the charges and in September, 1990, the Minnesota Supreme Court ruled 4-2 to uphold the dismissal of the charges. All three courts based their rulings on the due process fair notice requirements of the fourteenth amendment to the U.S. Constitution. They determined
that the Minnesota religious exemption law gave the parents the right to assume they could withhold medical care and, therefore, the parents were not given “fair notice” that their behavior was criminal.

**Ian Burdick, age 15**, died November 10, 1987, in Sherman Oaks, California, of diabetes without medical care. At his death Ian was 5’8” tall and weighed 87 pounds. A Christian Science nurse and practitioner had been retained to treat Ian’s disease.

**Robyn Twitchell, age two**, died in April, 1986, in Boston, Massachusetts, of a bowel obstruction. A simple operation to remove the twisting of the bowel would have most likely saved Robyn’s life. Robyn was seriously ill over a five day period; he was in severe pain, vomiting intermittently and he had serious difficulty eating and sleeping. The parents, David and Ginger Twitchell, contacted a church practitioner the first day of Robyn’s illness. The practitioner treated the boy’s serious medical illness only by prayer. Subsequently, Robyn’s illness became “much worse”: he was shaking and vomiting and then became unresponsive. Still the parents and the practitioner did not seek medical help, preferring instead to use prayer as the only treatment. According to medical experts who testified at the inquest, common practice among parents in the community with a child manifesting Robyn’s symptoms would have been to wait no longer than 48 hours before seeking medical attention.

In July, 1990, the Twitchells were convicted of manslaughter.

**Elizabeth Ashley King, age 12**, died June 5, 1988, in Phoenix, Arizona, of bone cancer. She was out of school and sick at home from November 1987 to May 1988. Though school officials knew the Kings were Christian Scientists, they allowed the parents to set up a home study program for the girl. In May, alarmed neighbors (not the school officials) realized they had not seen Ashley for months and notified Child Protective Services. A court order was obtained to have Ashley examined at Phoenix Children’s Hospital. Doctors determined that Ashley had bone cancer that had progressed too far to be arrested with medical treatment. The tumor on her leg was over one yard in circumference; it had metastasized to her lungs. Her heart had enlarged from the strain of pumping extra blood to the tumor. Ashley told nurses and doctors: “I’m in so much pain…You don’t know how I’ve suffered.”

Given the terminal prognosis, the state agreed to have Ashley placed in a Phoenix Christian Science nursing home. This was done despite the protests of one of the doctors who examined Ashley: he said Ashley was experiencing one of the worst kinds of pain known to mankind. Ashley died 24 hours after being committed to the home. Nursing home records show 71 calls to the Christian Science “practitioner” for “treatment” (i.e., prayer) of Ashley’s pain. Indeed, this is the only kind of treatment a Christian Science nursing home will provide for pain. The parents, John and Catherine King, pleaded no contest to the felony of reckless endangerment in their daughter’s death.

**Kimberly Sartore, age one**, died in 1969 in Alaska of medically untreated meningitis. Kimberly’s father was charged with and convicted of involuntary manslaughter. However, the conviction was overturned when the Alaskan legislature passed a religious exemption law, and the conviction was expunged from Mr. Sartore’s record.

**Matthew Swan, 16 months**, died in 1977 in Detroit, Michigan, of h-flu meningitis. The parents had retained Christian Science practitioners to treat Matthew.
Lisa Sheridan, age five, died in 1967 in Cape Cod, Massachusetts, after a three week battle with pneumonia without medical care. Lisa received Christian Science prayer treatment over the entire course of her illness. Lisa’s mother was tried and convicted of involuntary manslaughter.

Clayton Scott Zimmern, age nine, died in 1968 in Park Forest South, Illinois, of injuries sustained when he was struck by a car while riding his bicycle near his home. The driver of the car immediately called the police, but by the time they arrived, Mr. Zimmern had removed his son to their house. Gregory Johns, Park Forest South Police Chief, reported that Mr. Zimmern, a Christian Scientist, told police that his son did not require medical attention. Mr. Zimmern repeated this when police called him later that evening. When Mr. Zimmern finally did call the police to his house, it was only to tell them that his son had died. Clayton’s parents never brought their son to a hospital.

The following additional cases were compiled by the American Academy of Pediatrics.

Michael Schram, age 12, from Mercer Island, Washington, died in 1979 from a ruptured appendix after several days of prayer and “spiritual healing.” Michael received no medical attention because his mother is a Christian Scientist. Michael’s father, Jack Schram, was unaware of the situation because his ex-wife, Betty, had custody of the child. Betty Schram and Juanita Caldwell, a Christian Science practitioner, prayed over Michael for several days before his death. For three days after his death, the two women continued to pray in an attempt to resurrect Michael’s lifeless body. A funeral home contacted state officials about the suspicious nature of the child’s death. The medical examiner referred the autopsy report to the prosecuting attorney and to Michael’s father who is not a Christian Scientist, for possible legal action.

Ronald Rowan, age 11, from Tallmadge, Ohio, died in 1979 as a result of extreme dehydration and ultimately aspiration asphyxiation. The medical examiner concluded that Ronald had to have been seriously ill for at least a week; he must have been running a fever and vomiting several days before his death. He was too weak to expel vomitus from his mouth and was asphyxiated. Ronald did not receive medical care because his parents are members of the Christian Science Church.

Andrew Pinkham, age three, from Orinda, California, died from pneumonia after his parents refused to take him to a doctor because of their religious beliefs. Andrew’s symptoms were described as six days of fever, loss of appetite, and in the last day, labored and rapid breathing. During these six days, Andrew’s parents and a Christian Science practitioner prayed at his bedside.

Kris Ann Lewis, age 13, from Pittsburgh, Pennsylvania, died of bone cancer in June of 1981. In June of 1980, her mother, a Christian Scientist, had taken her to the hospital suspecting that she may have a broken bone. When doctors made a preliminary diagnosis of bone cancer, her mother insisted that they were incorrect and left with her daughter. Six weeks later the hospital learned that Kris was receiving treatment from a Christian Science practitioner. Mrs. Lewin refused any communication from the hospital on the advice of an attorney provided by the main Christian Science Church in Boston.

The hospital filed an abuse report with Protective Services who determined that the mother was within her rights because of Pennsylvania’s religious exemption law. The coroner held an inquest and recommended that manslaughter charges be brought against Mrs. Lewin, but the District Attorney found that her right to choose spiritual healing was protected by a religious exemption clause in Pennsylvania’s child abuse and neglect statutes. The Christian Science practitioner that treated Kris Ann testified in court that she did not report the case to state officials, as Pennsylvania law requires, because she did not believe the child was being neglected or abused.
Debra Ann Kupsch, age 9, from Wisconsin, contracted diphtheria at a Christian Science Camp in Colorado, where she was sick for one week. She came in contact with other unvaccinated children, and died shortly after her arrival home, only after her parents sought medical care as a final effort. The U.S. Centers for Disease Control had to track down and test the other children from the camp at a cost of nearly $20,000, yet no neglect report was filed by her Christian Science practitioner, as Colorado law required.

The remaining cases were compiled by CHILD, Inc. and are presented her with its permission:

**Faith Tabernacle**
The Faith Tabernacle Congregational was founded in 1987 in Philadelphia during a religious revival. The Church doctrine claims that the Bible opposes “all medical and surgical practice whatever.” Presently, the Church has about 18,000 members, mostly in Pennsylvania and New Jersey.

**Justin Barnhart, age two,** died September 1981, in Beaver Valley, Pennsylvania of a Wilm’s tumor which grew larger than a volleyball in the child’s abdomen. The parents, William and Linda Barnhart, withheld medical care from their son because of their religious beliefs. With early medical intervention, this form of childhood cancer has a better than 90 percent cure rate. The parents were convicted of involuntary manslaughter in 1982 by the county court. Although Pennsylvania had a religious exemption law in the code dealing with reporting of child abuse and neglect, the prosecution successfully argued that he law did not apply to criminal charges. In September 1988, the United States Supreme Court voted 9-0 against reviewing the state conviction of the parents.

**Five children of the Winterbourne family** of suburban Philadelphia died of pneumonia between 1971 and 1980 without receiving medical attention. Roger Winterbourne, the father, stated: “When you believe in something, you have to believe it all the way. If you only believe in it part way, it’s not a true belief.”

**Baby Girl and Baby Boy Still,** of Germantown, Pennsylvania, died in February 1989 after their mother, Deborah, gave birth to the twins without the aid of a doctor or midwife. After 8 hours the father noticed his 5 lb. Infant girl had stopped breathing, and he called a funeral home. The next day police took her 3 lb. Brother to a hospital where he was pronounced dead. The twins were born 6 weeks prematurely, but a leading area neonatologist said that 95 percent of babies born six weeks prematurely who are treated in a hospital do survive.

**Melinda Sue Friedenbeger, age 18 weeks,** died of starvation and dehydration on April 25, 1991, in Altoona, Pennsylvania. Parents John and Kathy Friedenbeger reported she had had a fever, vomiting and diarrhea for the last several days of her life. They were charged with involuntary manslaughter and endangering the welfare of a child.

**Clayton Nixon, age eight,** also died in Altoona, Pennsylvania, on January 6, 1991, of dehydration and malnutrition after contracting ear and sinus infections which caused continuous vomiting. He was four feet tall at his death but weighed only 32 pounds. His parents, Dennis and Lorie Nixon, have also been charged with involuntary manslaughter and child endangerment.
In early 1991, six children died in the Philadelphia area of measles. Five of the children’s parents belonged to the Faith Tabernacle and had religious objections to vaccinations. (The sixth child’s parents belonged to the First Century Gospel Church which also objects to medical care.)

End Time Ministries
End Time Ministries, led by Reverend Charles Meade, has been active in South Dakota, Montana, and the Midwest. Several hundred believers have migrated to Lake City, Florida. The sect lost five babies in Sioux Falls, South Dakota, during home deliveries that were not attended by licensed health care providers. Illness is viewed by members as the work of Satan, a member’s lack of faith, or an unconfessed sin. The sect continues to deliver babies without medical attention.

Michael David Boehmer, four days old, died March 15, 1990, in Lake City, Florida, of a pulmonary hemorrhage. The parents did not obtain medical attention for their son, stating that they believed doctors should be avoided. They relied on prayer to heal their baby. On March 14th, the parents placed cotton in his nose in an effort to stop the bleeding. The boy died the next day. The autopsy showed he had lost at least ¼ of his blood. The medical examiner stated that Michael had a 90 percent chance of survival with a Vitamin K shot, which is commonly given to newborns. (Vitamin K enhances the blood’s clotting ability.)

Other End Time Ministries not prosecuted:

Libby Cooke, four days old, died December, 1978, in Brandon, South Dakota, without medical attention after a four day struggle with premature lungs.

Infant McDowell was born dead in January 1979 in Billings, Montana, after her mother had been in labor for three days. The 9 lb. Child was born dead in a bathtub. A coroner’s inquest found that End Time sect members moved McDowell from her apartment to a member’s home to keep concerned relatives from interfering during her labor. The prosecutor cited laws shielding religious practice as the reason for dropping the case.

Infant Ruzicka was born dead in February 1981 in Brandon, South Dakota. After the mother, Cathy Ruzicka, lay in labor for four days, she went into convulsions, and ended any chance at life for her 7 ½ lb. baby.

Sarah Handy, born prematurely, died in July 1981 in Valley Springs, South Dakota, of bacterial pneumonia. Even though she had turned blue and had severe breathing problems, her parents, Mike and Maxine Handy, continued to pray over her. The state’s attorney said he was prevented from prosecuting by the South Dakota religious immunity law.

Church of the First Born
This sect is primarily active in Colorado and Oklahoma.

Jason Lockhart, age nine, of Enid Oklahoma, died of a ruptured appendix due to parental religious beliefs. Parents, Dean and Patsy Lockhart, in December 1982, were acquitted of first degree manslaughter because of Oklahoma’s religious exemption law. Responding to public outrage, the Oklahoma legislature modified the state’s religious exemption law by adding a statement the “medical care shall be provided where permanent physical damage could result to a child.”
Desiree Camren, age three, of Cushing, Oklahoma, died February 1987 after a week’s illness due to lack of medical care. The medical examiner said that medical treatment could have saved the child’s life. Dean and Sheila Camren, the parents, claimed their religious beliefs prevented them from seeking medical help for Desiree. Testimony at the trial indicated that the Camrens knew the child was dying but believed her death was punishment from God because the father had not been attending church. The parents were sentenced to prison in May 1989 for second degree manslaughter.

Angela Sweet, age seven, of Olathe, Colorado, died June 1990 of peritonitis, seven weeks after rupturing her appendix. The parents, David and Barbara Sweet, refused to get medical care for their daughter because of their allegiance to their church. They are charged with felony child abuse. Their trial is set for June 1992.

Travis Drake, age 14, of western Colorado, died in 1982, several days after his appendix ruptured.

Lukas Long, a newborn baby, of rural Cory, Colorado, died in August 1987. Lukas was born at 8:30 a.m.: the mother was attended by unlicensed midwives. At 11:30 a.m. the baby began having breathing problems, and the parents, David and Raya Long, called in the church elders to pray for a healing. The baby died between 4 and 6:30 p.m. “We believe in divine healing and trust in God,” explained the baby’s grandmother.

Saundra Arnold, age 13, died in the 1960’s in California after being ill 18 days with an intestinal blockage. The mother was convicted of manslaughter and her conviction was upheld by the California Supreme Court (People v. Arnold, 1967) which ruled that the law “…did not sanction unorthodox substitutes for medical attendance.”

Jordan Northrup, age four months, died January 1991 in Redding, California, of meningitis and pneumonia. His parents, Earl Joe and Catherine Northrup, attempted to heal their son through prayers alone during his six day illness. On September 19, 1991, they were charged with involuntary manslaughter and child endangerment.

Faith Assembly
The church is active in Ohio and Indiana. According to the research of CHILD, Inc., there have been over 100 unnecessary deaths since 1973 caused by the teachings of the Faith assembly against medical care. The majority of these deaths have been of children or mothers in childbirth.

Faith Assembly death rates from 1975-1982 were studied by the U.S. Centers for Disease Control and the Indiana Department of Health. Death rates among Faith Assembly women in childbirth were 870 percent higher than among Indiana women in general; death rates among their infants were 270 percent higher than the statewide average.

Juliana Keys, six months, of Columbia City, Indiana, died of an untreated abdominal infection caused by a twisted bowel. The parents did not obtain medical care for the child due to their religious beliefs.
Joel Romine, 20 months, of Indiana, died in March 1989 of emphysema, a complication of pneumonia. The parents, Daniel and Diana Romine, refused to obtain medical care for their son; they told the coroner that they “do not believe in seeking medical treatment and instead prayed at home for the child’s recovery.”

John David Ricks, five months, of Kimmel, Indiana, died in April 1990 of untreated bacterial meningitis. The parents, Michael and Diana Ricks, as members of the Faith Assembly, never sought medical care for their son. The father had completed four years of medical school before dropping out to join the Faith Assembly. On April 3rd, John developed a fever, and on April 6th, the boy stopped breathing three times; the next day he died.

Sean Woodrun, six months, of Nobles, Indiana, died in April 1990 of untreated bronchial pneumonia, after being sick for several days. In June, Roberta and Robin Woodrun plead guilty to withholding medical care form their baby. They were subsequently sentenced for criminal recklessness and reckless homicide and received three and four years suspended sentences. They were also ordered to involve a doctor in the care and treatment of their four other children, including immunizations, examinations and medical or surgical care; to report any illnesses of their children within 12 hours; to complete a first aid course; to use a fever thermometer and baby scale; and to authorize monitoring of their children’s health by probation officers and provision of emergency medical care for their school-aged children.

Allyson Bergmann, nine months, of South Bend, Indiana, died of untreated meningitis. The parents were prosecuted for this death in 1984.

Carla Northrup, a baby girl, died in 1983 of pneumonia.

Joel Winkelman, three weeks old, of Ohio, died of pneumonia without receiving medical treatment. The parents, David and Joy Winkelman, stated their belief: “that the best physician is Jesus.”

Other Sects

Wesley Parker, age 11, died in the early 1970’s in Barston, California, of medically untreated diabetes. An itinerant preacher had declared the boy healed.

Infant McCourt was born dead in July 1987 on a South Carolina commune that rejects medical care. According to the coroner, the baby died due to lack of oxygen because of prolonged delivery. The county pathologist said the baby most likely would have lived if the mother had had prenatal care and medical attendance at delivery. The mother, Linda McCourt, was a member of the Faith Cathedral Fellowship.

Aaron Norman, age ten, died December 1987 because of medically untreated diabetes. Bob Norman, the father, was convicted of first degree manslaughter in Spokane, Washington. The Normans belonged to the No-Name Fellowship. Members of this group believe “sickness is a result of sin and a wicked lifestyle.” Members distrust doctors.

Loren Williamson, age five, died June 1989, of lymphocytic leukemia in Loranger, Louisiana. Annetta Williamson, the mother, belongs to the Church of God; she prayed for divine healing instead of obtaining
medical care. The coroner stated Loren died of congestive heart failure resulting from untreated leukemia. “Leukemia is a cancer, but is can be treated with chemotherapy and blood transfusions. The lymphocytic leukemia is more treatable than other kinds of leukemia.” Neighbors told investigators that Loren had been looking bad for several weeks and that red splotches, indicative of leukemia, had covered Loren’s body for several weeks. The mother was booked for negligent homicide.

**Five children**, whose parents belonged to the *Christ Miracle Healing Center* in Arizona, died of curable ailments between 1979 and 1983. One of the children, **Theiral Drew**, **age six**, died of a strangulated hernia, which could have been corrected by routine surgery.

**Micaiah Edwards, age 15 months**, died July 1991, in Spanaway, Washington, of meningitis after his parents withheld medical care on religious grounds. Tracy Edwards, the child’s father, was a lay minister and missionary with the Traveling Ministries Everyday Church. The death is currently being investigated.
III. Why Repeal of the Massachusetts Religious Exemption Law Does Not Violate Fundamental Religious Freedoms

The first amendment to the United States Constitution provides guarantees of religious freedom. The “free exercise” clause states: “Congress shall make no law prohibiting the free exercise of religion.” Repeal of the Massachusetts religious exemption would not violate first amendment guarantees of the free exercise of religion.

United States Supreme Court Decisions:

The U.S. Supreme Court, which has final authority in interpreting the Constitution, has for over one hundred years consistently ruled that the first amendment does not permit one person, in the name of religion, to endanger the life of another.

The U.S. Supreme Court, as far back as 1879, in *Reynolds v. U.S.*, (the case striking down Utah’s polygamy laws), drew a clear distinction between religious beliefs which are absolutely protected and religious expression or practice, i.e., an individual’s actions, which the state may limit. In the *Reynolds* case, the court ruled that an individual’s religious practice does not include the right to endanger the life of another person.

In *Prince v. Massachusetts* (1944), the U.S. Supreme Court unmistakably declared that parents do not have the right, in the name of religion, to endanger the lives of their children:

> The family itself is not beyond regulation in the public interest, as against a claim of religious liberty. And neither the rights of religion nor the rights of parenthood are beyond limitation...The right to practice religion freely does not include the right to expose the community or the child to communicable disease or the latter to ill-health or death...

> Parents may be free to become martyrs themselves. But it does not follow they are free, in identical circumstances, to make martyrs of their children before they can make that choice for themselves.

More recently in 1972, in *Wisconsin v. Yoder*, the U.S. Supreme Court ruled:

> The power of the parent, even when linked to a free exercise claim, may be subjected to limitation under Prince if it appears that parental decision will jeopardize the health or safety of the child.

In 1990, the U.S. Supreme Court made it absolutely clear in *Oregon Department of Human Resources v. Smith* that first amendment guarantees of religious freedom do not constitutionally require states to grant religious exemptions to child neglect and manslaughter laws. (Religious exemptions to medical care for children in most states are exemptions to child neglect statutes; proponents of exemptions have also claimed that such exemptions also extend to manslaughter laws.) The first amendment does not grant parents the right to let their children suffer and die because of their refusal, on religious grounds, to obtain essential medical care. The court ruled that to allow religious exemption to a wide variety of criminal laws would make it impossible for our society to function, and

> ...would open the prospect of constitutionally required religious exemptions from civic obligations of almost every conceivable kind – ranging from...the payment of taxes, to health and safety regulations, such as manslaughter and child neglect laws, compulsory vaccination laws, drug laws and traffic laws...
These cases make clear that the Massachusetts legislature is fully empowered by the U.S. Constitution to repeal the state’s religious exemption law. Any claim that the first amendment guarantees a religious exemption to provide children with necessary medical care is entirely erroneous.

The U.S. Supreme Court has more specifically addressed whether a parent may constitutionally, on religious grounds, allow a child to die by entirely substituting prayer for life-saving medical care:

In Oklahoma v. Funkhauser (1989), the Court let stand the manslaughter conviction of a couple who withheld medical care from their three-year-old son, who subsequently died of pneumonia. The parents, because of their religious beliefs, chose only to pray for their son during his two-week illness. The conviction of the parents by a jury was reviewed and upheld by Oklahoma’s highest court before the U.S. Supreme Court’s consideration of the case.

In Pennsylvania v. Barnhart (1988), the U.S. Supreme Court by a 9-0 vote let stand a Pennsylvania conviction of a couple for involuntary manslaughter and child endangerment of their two-year-old son. The Barnharts for religious reasons withheld medical care from their son who died of a Wilm’s tumor. With early medical intervention this form of childhood cancer has a 90 percent cure rate. As members of the Faith Tabernacle, the Barnharts believed that the Bible opposes all medical and surgical practice. Despite a Pennsylvania religious exemption law, the Pennsylvania Supreme Court upheld the parents’ conviction. Likewise, the U.S. Supreme Court refused to consider the Pennsylvania religious exemption law as a justification for the child’s death.

Decisions by Massachusetts and Other State Courts:

On January 15, 1991, the Massachusetts Supreme Judicial Court ruled In the Matter of Elisha McCauley that:

The right of free exercise of religion, including the interests of parents in the upbringing of their children is, of course, a fundamental right protected by the Constitution. However, these fundamental principles do not warrant the view that parents have an absolute right to refuse medical treatment for their children on religious grounds...When a child’s life is at issue, it is not the rights of the parents that are chiefly to be considered. The first and paramount duty is to consult the welfare of the child.

The court went on to say that the State has a clear interest in “having a dangerously sick child receive medical treatment over her parents’ religious objections.”

This decision should be a clear communication to the Massachusetts legislature that the Supreme Judicial Court does not countenance the view, put forward by some supporters of the religious exemption law, that parents, on religious grounds, have the right to withhold necessary medical care from a dangerously sick child.

Recently, several state courts have ruled that religious exemption laws do not entitle parents to withhold necessary medical care from a seriously ill child, nor do such exemptions to child neglect laws provide a defense to the separate crime of manslaughter when a child dies due to lack of medical care.

In Massachusetts, in 1989, in the Twitchell case (two Christian Science parents were convicted of involuntary manslaughter in the death of their two-year-old son from an operable bowel obstruction), the trial court judge ruled that the Massachusetts religious exemption law does not exempt parents from their duty to obtain medical care if a child is in jeopardy of “serious bodily injury or death.” The judge also ruled that the religious exemption to child neglect did not exempt the parents from the separate crime of manslaughter.
Both the California and Colorado State Supreme Courts have also ruled that religious exemptions to lesser crimes such as child neglect do not provide an exemption to the separate crime of manslaughter. In 1988, in *People v. Walker*, the California Court ruled that the California religious exemption law (very similar to the Massachusetts law) did not bar the prosecution of a Christian Science mother on charges of involuntary manslaughter for refusing her four-year-old daughter life-saving medical care. The girl died of bacterial meningitis, an illness which is 90 percent curable with proper use of antibiotics. In *People of Interest of D.L.E.*, the Colorado Court made a similar finding.

Any claim by faith-healing groups of a religious right to withhold necessary medical care from children must fail in the light of court decisions striking down other, less harmful, religious practices. The U.S. Supreme Court has ruled that the Mormons do not have a protected right to practice bigamy. Courts have repeatedly ordered blood transfusion for the children of Jehovah’s Witnesses – even though such transfusions go against religious beliefs of the parents. In Massachusetts, the Supreme Judicial Court recently ruled that adults cannot claim a religious right to smoke marijuana.

**Right of the Christian Science Church to Claim Religious Exemption is Undermined by its Contradictory Position Concerning the Use of Medical Care:**

The Christian Science Church has been in the forefront of efforts to claim protection under religious exemption laws for parents who choose to withhold essential medical care from their children. Legally, a claim of religious exemption cannot be maintained unless objection to medical care is a fundamental doctrine or central tenet of the religion; if a church permits each member individual discretion for the utilization of medical care according to a variety of considerations and circumstances, then objection to medical care could not be considered a strongly-held belief and would, therefore, not be subject to religious exemption.

However, the Christian Science Church claims, alternately: 1) that complete reliance on spiritual healing to the exclusion of medicine is a fundamental requirement for being a Christian Scientist, and 2) that a Christian Scientist may remain a Christian Scientist if he or she occasionally chooses to rely on medicine. Which of the two disparate claims is made by the church, and when they are made, depends on which position will have the greatest political value in time and place. In court cases, when the assertion of a defense under religious exemption laws requires the position that Christian Scientists must entirely refuse medical care for their children, the church has no qualms about taking an inflexible position:

*Christian Science provides that no person may become a member of the church unless he or she is prepared to rely completely on spiritual healing as practiced in Christian Science...Thus spiritual healing is the sine qua non of Christian Science and a religious imperative for members of the church.*

(From an amicus brief filed by the church in *People v. Walker* to the U.S. Supreme Court)

However, when the political context requires the church to appear flexible and reasonable, such as before legislatures and in various public fora, the church then asserts that members have the freedom, based on their individual judgement, to occasionally seek medical treatment.

*...the church sets up no abstract criteria for determining what injuries should be treated by prayer or other methods but rather leaves such questions to individual decisions in concrete instances...If some turn, in what they think is an urgent time of need, to medical treatment for themselves, or their children, they are not, contrary to some recent charges, stigmatized by their church.*

Hence a claim by the Christian Science Church that it should be protected by religious exemption laws is clearly suspect.

**Massachusetts Religious Exemption Violates First Amendment Guarantees Against the Establishment of Religion, That Is, Against Granting Special Preferences to Individual Religions:**

State religious exemption laws, and particularly the Massachusetts religious exemption law, clearly appear to violate a second provision of the first amendment relating to freedom of religion – the “establishment clause.” This provision of the first amendment states: “Congress shall make no law respecting the establishment of religion.” The purpose of this provision, written by the Founding Fathers, was to ensure the separation of church and state; that is, to prevent discrimination among religions or the granting of special preferences to one religion.

According to the American Academy of Pediatrics:

> ...it can be argued that the states’ exemption of a religious group from legal responsibility in an otherwise prosecutable offense (child abuse or neglect) is showing favor to one religion in the establishment of law; thus being unconstitutional.

More specifically, according to Wendy Mariner, associate professor of health law at Boston University:

> The religious exemption appears to violate the establishment clause because it exempts from misdemeanor liability only those who provide spiritual treatment that is both in accordance with a recognized church or religious denomination and provided by duly accredited practitioner. [This is the working of the Massachusetts law and many of the other state laws.] Thus, there is no exemption for parents who may pray for their children if they are not affiliated with a recognized church or if their church does not accredit practitioners.

> There is no secular purpose to justify the preference given to the very few church members that qualify for the exemption. The exemption was expressly enacted to protect one or two religions. That is an unconstitutional preference.

In fact, in 1971, the Massachusetts Supreme Judicial Court in the Dalli case, struck down the wording of a Massachusetts religious exemption from compulsory inoculations and vaccinations granted for members of a “recognized church or religious denomination.”

The court stated that such wording granted a preference to church members as opposed to non-members who wished to pray. This decision has a direct bearing on the constitutionality of the present Massachusetts religious exemption law.

**Religious Exemptions to Necessary Medical Care for Children are Morally and Religiously Indefensible:**

A civilized understanding of religious values does not permit the religious sanction of the unnecessary and preventable death of children due to parental refusal to provide necessary medical care.

Some proponents of religious exemption laws have argued that the relatively small number of preventable childhood deaths does not warrant interference with religious freedom and the practice of certain religious groups. However, our deepest values should hold that not even one child is unimportant, nor should even one child be allowed to die an unnecessary and preventable death. Religions cannot expect such unreligious privileges at the expense of even one sacred life.
And what of the religious rights of the child? Alan Dershowitz, a leading advocate of the first amendment rights, has written:

> Once the children have become adults, they will have an entire lifetime to practice their chosen religion. But children don’t always follow their parents’ religious practices into adulthood. Children have the right to make an eventual choice as to their religious and secular destiny. But if their parents’ choices are imposed on them in life and death situations, the children of Christian Scientists may never get the opportunity to make their own religious decisions as adults.

IV. Why the Abuse Reporting System and Court Orders are Not Sufficient to Protect the Life and Health of Children Whose Parents Rely on Spiritual Healing to the Exclusion of Medicine

The Christian Science Church and other proponents of religious exemption laws claim that the preservation of the religious exemption to the parental duty to provide children with necessary medical care does not unduly threaten the life of children. Supporters of religious exemptions argue that, under the Chapter 119 child abuse and neglect reporting system, a Massachusetts court can order necessary medical care for a seriously ill child through a temporary custody proceeding.

Why deprive parents of their right to practice their religion when, if it is absolutely necessary, a court can order necessary medical care?

The dangerous fallacy in this argument is that very often, seriously ill Christian Science children and children in other sects never come to the attention of a reporting authority until it is too late to prevent permanent disability or death.

Serious illness in Christian Science children often occurs completely outside the reporting system; unlike Jehovah’s Witnesses who will use doctors and hospitals, Christian Science parents, in many cases, deny the effectiveness of medicine and will not take their children to doctors. A doctor or a hospital cannot request a court order for a child they are unaware of.

Christian Science utilizes its own organization of “spiritual healers” and (non-medical) “nurses” to treat childhood illnesses, including serious and life-threatening illnesses. These practitioners are not mandated reporters under the Massachusetts abuse and neglect reporting law. And in states where they are, practitioners may not report because they may not believe the child to be in danger. Christian Science healers and nurses have no training in medical diagnosis and treatment. In order to be accredited by the church, the spiritual healer must complete only a two-week class in non-physical, spiritual healing.

In fact, Christian Science healers believe that illness does not result from physical causes, but rather occurs because of lack of spiritual closeness to God. They believe that medical care can be an obstacle to health because it mistakenly treats the body rather than the spirit. The sole method of treatment is prayer and most often this treatment is conducted at a distance by telephone. Moreover,

The Christian Science Church tells its health care providers not to report contagious diseases to the state. It dissuades them from reporting cases of sick children deprived of medical care to protective services agencies.

Rita Swan, “The Law’s Response When Religious Beliefs Against Medical Care Impact on Children,” 1990

Because Christian Science healers and nurses cannot be expected to either identify or report serious childhood illness, Christian Science children are often insulated from the reporting system.

Additionally, school teachers and other public authorities cannot be counted on to make the reporting system work for seriously ill Christian Science children. The following is a direct quotation from the “Legal Rights and Obligation Handbook of Christian Science Parents in Massachusetts” published by the church in 1983: (This book was taken out of circulation only after it was criticized by the Twitchell Inquest judge.)

But it should be recognized that care of children is given special importance under Massachusetts laws relating to the protection and care of children, to the extent that the right of the parent can be usurped by court order...Thus, if a child is being given Christian Science treatment for an illness, inquiries made by school or other public officials as to care of the child should be answered with assurance that such child is being given good care and is having treatment for the illness. Otherwise, such official
may incorrectly conclude that the child is a neglected child. In talking with such officials, a parent should stay clear of statements such as “belief of illness” or “claim or sickness” which may result in the official thinking that the illness is being ignored...

In other words, the Church is not encouraging its parents to help the reporting system work.

Massachusetts cannot place life and health of Christian Science children or the children of other religious sects exclusively in the hands of the reporting system. The tragic fact is that the reporting systems in Massachusetts and other states have been unable to prevent the deaths of Christian Science children and the children of other faith-healing sects. No doctor or court ever knew that Robyn Twitchell lay dying in his own home. In Florida, in 1986, six-year-old Amy Hermanson died of juvenile onset diabetes. Amy deteriorated over a six week period; a report was made to Child Protective Services only shortly before her death and a hearing was concluded the hour before she died. Abuse reporting systems did not intervene to prevent the deaths of three Christian Science children in 1984 of bacterial meningitis in California.

The combination of the religious exemption law and the Massachusetts Chapter 119 reporting system seriously exacerbates the threat to the lives and health of children whose parents choose to rely exclusively on spiritual healing. Because the religious exemption appears to allow parents to rely solely on prayer, parents may try to shield an ill child from the reporting system so that they may continue to avoid medical care.

The religious exemption creates an incentive for parents to keep a child’s illness hidden, thereby avoiding necessary medical assessment. This contradiction fails to meet a proper moral and practical standard for guiding responsible parental behavior and ensuring protection.

The Massachusetts religious exemption law must be repealed so that parents who utilize spiritual healing will have the same legal duty as all other parents to provide their seriously ill children with necessary medical care. Children’s lives cannot be left totally dependent on Protective Services action. Parents have the legal custody of children and, therefore, have 24-hour a day responsibility for them. As such, they have far more awareness of their children’s illnesses than do mandatory reporters. The state cannot and should not be in the position of having to continually monitor the health of Christian Science children or the children of other faith-healing sects.
V. Why the Repeal of the Massachusetts Religious Exemption to Medical Care for Children is Not an Undue Infringement on Parental and Family Rights

Proponents of religious exemption laws argue that repeal (the effects of which would compel parents to obtain medical care for seriously ill children) would be an unwarranted invasion by the state of the basic right of family privacy and of the rights of parents to raise their children according to their own values and beliefs.

*The boundary between parental freedom in child rearing and the interest – or even basic rights – of the child is unclear. The limits to parental decision making for children are uncertain but it is widely accepted that parents will generally make decisions that do not directly threaten the welfare of their children.*


*Children have rights too and parents have certain rights which end when they intrude too far into a child’s right to live. A parent cannot act in such a way, that is essentially, criminally negligent. And so the parent’s right to bring up the child in the way the parent thinks best – an important right and one which government has no business fooling around with, ends at the point at which the parent’s actions endanger the lives of kids.*

National Office, American Civil Liberties Union, 1988

In 1944, the U.S. Supreme Court in *Prince v. Massachusetts* ruled that the State’s interest in protecting the welfare of children is significant:

*The family itself is not beyond regulation in the public interest, as against a claim of religious liberty. And neither the rights of religion nor the rights of parenthood are beyond limitation. Acting to guard the general interest in youth’s well-being, the state as parens patriae may restrict the parent’s control. Its authority is not nullified merely because the parent grounds his claim to control the child’s course of conduct on religion or conscience. The right to practice religion freely does not include the liberty to expose the community or the child to communicable disease or the latter to ill health or death.*

The Massachusetts Supreme Judicial Court in *Custody of a Minor* (1979) set forth the basic legal principle governing the rights of parents, the responsibilities of the state and the best interest of the child:

1) *family autonomy is not absolute and may be limited where...it appears that parental decisions will jeopardize the health and safety of a child.*

2) *Parents have the legal and moral obligations to support...and care for their children’s development and well-being...They have the primary right to raise their children according to the dictate of their own consciences. However...parental rights do not clothe parents with life and death authority over their children...The parental right to control a child’s future is grounded not in any absolute property right which can be enforced to the detriment of a child, but is rather akin to a trust, subject to a correlative duty to care for and protect the child...*

3) *A child may be taken from the custody of his parents on a showing that the child is without necessary and proper physical care and that the parents are unwilling to provide such care. The essential inquiry involves application of...the best interest of the child principles.*
More recently, in January 1991, the Massachusetts Supreme Judicial Court *In the Matter of Elisha McCauley* ruled explicitly:

> The right to free exercise of religion, including the interest of parents in the religious upbringing of their children is, of course, a fundamental right protected by the Constitution. However, these fundamental principles do not warrant the view that parents have an absolute right to refuse medical treatment for their children on religious grounds.

Rita Swan, in her monograph, The Law’s Response When Religious Belief Against Medical Care Impact on Children, 1990, wrote:

> Some claim that repeal of religious exemptions would give the state too much power to intrude upon family privacy...The state should not mandate medical treatment for trivial, self-limiting complaints. It should not mandate medical treatment that cannot improve children’s quality of life or that carries risks which outweigh benefits. Cultural and religious practices that differ from prevailing community standards should not constitute a basis for state action unless they present a specific threat to the welfare of the child. The state’s power should be limited, but also evenhanded. All families deserve privacy in certain spheres and all children deserve equal access to necessary medical care. Repealing religious exemption simply establishes a uniform standard.

This last point concerning a uniform standard is absolutely critical. **There must be no legal double standard that subjects the children of faith-healing groups to risks that are not tolerated for any other child. All children are entitled to equal protection under the law.**
VI. History of the Massachusetts Religious Exemption Law

Sheridan Death – 1967

In 1967, five-year-old Lisa Sheridan of Cape Cod died of pneumonia. She had been seriously ill for three weeks and received no medical care. Her mother, a Christian Scientist, attempted to treat Lisa’s illness solely by prayer. That same year the mother, Dorothy Sheridan, was convicted by a jury of involuntary manslaughter for failing to provide her daughter with sufficient medical care.

In his instruction to the jury in the Sheridan case, the judge referred to a section of the state’s then existing child neglect law (Chapter 273, section 1) which set criminal misdemeanor penalties for any parent of a minor child who “…willfully fails to provide necessary and proper physical care.” The judge ruled the phrase “proper physical care” to mean “medical attention.”

Religious Exemption – 1971

In 1971, in an effort to eliminate any requirement under the child neglect law that Christian Science parents must provide their children with medical attention, the Christian Science Church successfully lobbied the Massachusetts legislature to pass the religious exemption law. The law added the following language to the child neglect law (Chapter 273, section 1):

A child shall not be deemed to be neglected or lack proper physical care for the sole reason that he is being provided remedial treatment by spiritual means alone in accordance with the tenets and practice of a recognized church or religious denomination by a duly accredited practitioner thereof.

Twitchell Death – 1986

In 1986, another tragic and preventable death of a Christian Science child came to the attention of the Massachusetts public. In April of 1986, two-year-old Robyn Twitchell lay dying of a medically treatable bowel obstruction. His parents, as Christian Scientists, were attempting to overcome Robyn’s illness solely by prayer. When Robyn did not improve, the worried parents sought guidance from a senior church official and lawyer, Nathan Talbot. Talbot referred the parents to a relevant section of a church publication, “Legal Rights and Obligations of Christian Scientists in Massachusetts,” which stated that the religious exemption law:

...is a criminal statute and it expressly precludes imposition of criminal liability as a negligent parent for failure to provide medical care because of religious beliefs.

This language was taken directly from the 1976 Attorney General’s Opinion regarding the meaning of the religious exemption law. Notice, however, that the opinion does not state that the parent is exempted from the crime of manslaughter should the child die due to lack of medical care.

The parents subsequently did not seek medical attention for Robyn who died within 48 hours.

Following a judicial inquest, the Twitchell parents, in 1988, were indicted for involuntary manslaughter in the death of Robyn. In a pre-trial motion to dismiss the indictment, the Twitchell’s lawyers argued that the 1971 religious exemption law provided a bar to any prosecution based on the parents’ actions in providing Robyn with only spiritual care rather than with medical care. In refusing to dismiss the indictment, the Trial Court ruled that the religious exemption law was not a bar to the Twitchell’s prosecution for two reasons:

First, the religious exemption law does not exempt parents using spiritual healing from child neglect for failure to provide medical care when the child’s life is in “imminent danger.” The judge’s ruling on this
matter was based on the phrase “for the sole reason” contained in the religious exemption. The judge wrote: “The court construes this phrase to protect from prosecution for neglect those parents who regularly use spiritual healing when nothing more is necessary to protect the health of their children. However, when other factors exist, such as significant trauma or serious illness, additional remedial measures might be required to ensure the health of the children.” In other words, a parent cannot be prosecuted “for the sole reason” of using spiritual healing, but there might be additional reasons that medical care might be required. The judge was fully supported in her interpretation by court rulings in other states on the meaning of this key phrase.

Secondly, the Twitchells should stand trial for manslaughter since the religious exemption law refers only to the crime of child neglect and does not carry over to the separate crime of manslaughter. The judge was supported on this point by a prior ruling by the California Supreme Court.

In 1990, the Twitchells were convicted of involuntary manslaughter by a jury for recklessly endangering the life of Robyn by failing to fulfill their parental duty to provide Robyn with necessary medical care.

For the ruling of the Superior Court judge on the application of the religious exemption law (in the Twitchell case) to become effective law in Massachusetts, the Massachusetts Supreme Judicial Court would be required, on appeal, to uphold the judge’s ruling. However, the Christian Science Church and the Twitchells may decide not to appeal in order to avoid the risk of permanently losing (unless the legislature were to intervene) their claim of religious exemption to children’s medical care. (This is what happened in the Sheridan case. The Church in order to avoid a definitive judgment against itself decided that Dorothy Sheridan’s manslaughter conviction should not be appealed.)

The actions of the Christian Science Church in the days prior to the death of Robyn Twitchell tragically illustrate the essential and overriding reason that the Massachusetts religious exemption law must be repealed: the Christian Science Church and other faith-healing groups have cited religious exemption law to encourage parents to deny their seriously ill children necessary medical care.

As stated above, only days before Robyn’s death, Mr. and Mrs. Twitchell, worried because Robyn was not improving under Christian Science care, anxiously called Nathan Talbot, a senior church official and a lawyer, for guidance. According to David Twitchell’s testimony, Talbot referred the Twitchells to an interpretation of the Massachusetts religious exemption law, and according to the Inquest judge: “Mr. Talbot used the authority of his office to indicate that continued use of prayer alone was appropriate and lawful…” In other words, the Church used the religious exemption law to discourage “…the natural parental instinct to seek other help from any available source.” (Judge Shubow, from his Inquest Report in the Twitchell case.)

If the religious exemption law is repealed, the Christian Science Church and other faith-healing sects should no longer be able to tell parents that Massachusetts law allows them to rely on spiritual healing to the exclusion of medical care when their children are seriously ill. The effect of repealing the religious exemption law should be to change the behavior of church officials in favor of the life and health of children.

Should the case be appealed and the trial court judge’s decision on the meaning of the religious exemption law be overturned in favor of the church, the only recourse for children would be repeal by the legislature of the religious exemption. In any case, a decision on appeal may take years. During this time the rights of children will continue to be in doubt. The legislature should take responsibility now by undoing what it did in 1971; that is, repeal the law.

Repeal of Child Neglect Statute – 1986

In the mid-80’s, the Department of Revenue was attempting to reform and simplify state statutes dealing with desertion and non-support of children. Chapter 273, section 1, contained definitions and penalties for
non-support and desertion, as well as language defining the crime of child neglect. Since it wished to simplify Chapter 273 so that it would only relate to the crimes of desertion and non-support, it recommended that the child neglect language be removed. In 1986, shortly after the death of Robyn Twitchell, the Massachusetts legislature repealed the statutory crime of child neglect. The religious exemption language which was attached to the neglect statute, however, was retained – probably for political expediency. Therefore, at present, there is a religious exemption statute to a child neglect law which no longer exists.

The result of this legislative action is twofold: first, there is now no child neglect law in the criminal code that requires parents to provide their children with proper physical care, including medical care. Second, the actual legal status of the religious exemption law is made even more problematic since the law it was attached to no longer exists.

Additionally, a decision by the Massachusetts Supreme Judicial Court in 1971 almost certainly declares the Massachusetts religious exemption law to be in violation of the “establishment clause” of the first amendment of the U.S. Constitution. The “establishment clause” is one of the two guarantees of religious freedom contained in the first amendment: Congress shall make no law respecting the establishment of religion. The purpose of this provision was to insure the separation of church and state, and to prevent discrimination among religions or the granting of special preferences to one religion.

In 1971, while the Massachusetts religious exemption bill, soon to become law, was making its way through the legislature, the Massachusetts Supreme Judicial Court, in the Dalli case struck down a Massachusetts law providing for a religious exemption from compulsory inoculations granted for members of a “recognized church or religious denomination.” According to Leo Damore, in his book, The “Crime” of Dorothy Sheridan:

Mrs. Beulah Dalli of Lowell, Mass., had been unable to fulfill the terms of the religious exemption... The terms (of the law) required an affidavit signed by a church official whose tenets proscribed vaccination, in lieu of a physician’s certificate, before her child could enter public school – but Mrs. Dalli was not a member of any Church.

Mrs. Dalli believed the Bible forbade vaccinations. The Massachusetts Supreme Judicial Court ruled that the exemption was not constitutional if it was limited only to members of recognized churches or religious denominations. All persons who objected to vaccinations because of religious belief would have to be accommodated.

Despite this decision, Christian Science lobbyists did not alter the “recognized church or religious denomination” language of their bill, which was passed into law. Hence, the present religious exemption law is unconstitutional because it violates the establishment clause.
VII. Given Repeal, Circumstances Under Which Massachusetts Parents Who Are Adherents of Spiritual Healing Would Be Required to Obtain Medical Treatment for their Children

With repeal, parents who are adherents of spiritual healing will be held to the same legal standard for obtaining medical help for their children as all other parents in Massachusetts.

What is the requirement? Naturally, the law does not and should not compel a parent to take the child to the doctor for trivial, self-limiting illnesses such as the usual childhood cold or nosebleed. But at what point does the law declare that a parent is required to seek medical attention for a sick child?

Massachusetts statutory requirements, as codified in Chapter 119, section 24, provides in its definition of child neglect that parents must provide their children with “necessary and proper physical care.” The regulations of the Department of Social Services, the enforcing agency, define proper physical care to include medical attention.

Under Chapter 119, the only remedy for the medical neglect of a child is a temporary custody proceeding: a child, by court order, may be temporarily removed from parental custody for the purpose of medical treatment.

In 1991, In the Matter of Elisha McCauley, the Massachusetts Supreme Judicial Court ruled that parents do not “…have an absolute right to refuse medical care for their children on religious grounds…” The court further stated that the State has an interest “…in having a dangerously sick child receive medical treatment over her parents’ religious objections.”

Chapter 119 establishes the State’s responsibility to provide necessary medical care to children, but what duty does state law establish for parents themselves (without resort to the custody process) to provide necessary medical care for their seriously ill children? Massachusetts common law (court decisions) does establish a parental duty to provide necessary medical care to seriously ill children. However, at present there is no criminal statute which establishes a parental duty to provide necessary medical care and which, at the same time, sets a penalty for parental failure to comply. Without such a criminal penalty, the State has no means to enforce the parental duty to provide necessary medical care. The Massachusetts child neglect misdemeanor statute (contained in Chapter 273, section 1) which required parents to provide their children with “proper physical care” was repealed in 1986. The religious exemption to the law was allowed to remain in Chapter 273, section 1, thereby leaving a religious exemption to a non-existent child neglect statute.

While Massachusetts criminal law establishes no penalty for parental failure to provide necessary medical care while a child lives, failure to provide such care to a seriously ill child should the child subsequently die due to lack of medical care carries severe penalties for parents under the state’s manslaughter law.

In Massachusetts, the law on manslaughter has been developed through a series of Supreme Judicial Court decisions. A person may be convicted of involuntary manslaughter if, where there is a legal duty to act, the person engages in intentional conduct, either of commission or omission, which is “wanton and reckless,” i.e., which “…involves a high degree of likelihood that substantial harm will result to another.” (Commonwealth v. Welansky, 1944)

A person’s conduct may be found to be wanton and reckless even if the person does not foresee the consequences of his action or his failure to act:

The standard of culpability to be applied...is based in part on the knowledge of facts which would cause a reasonable man to know that a danger of serious harm exists. Such knowledge has its roots in experience, logic, and common sense, as well as formal legal standards. (Commonwealth v. Godin, 1977)
Even if a particular defendant is so stupid [or] so heedless...that in fact he did not realize the grave danger, he cannot escape the imputation of wanton and reckless conduct in his dangerous act or omission, if an ordinary normal man under the same circumstances would have realized the gravity of the danger. (Commonwealth v. Michaud, 1983)

The Supreme Judicial Court has applied this standard for involuntary manslaughter to parental failure to provide proper medical care to a child when such failure results in the child’s death. In Commonwealth v. Gallison, 1981, the Supreme Judicial Court “…explained the duty parents have to provide for the care and welfare of their children, and in doing so, upheld the manslaughter conviction for a mother, in part, for failing to provide medical care for her child” (quoted in Commonwealth v. Twitchell, 1989). In the Gallison case, the Supreme Judicial Court wrote:

…”the defendant should have been aware of the increased risk of harm and thus [her] failure to remedy the situation was the kind of conduct which constitutes wanton and reckless conduct.

Therefore, under Massachusetts manslaughter law, a parent is required to obtain medical care at the point at which serious harm may come to the child. How is a parent to know when that point occurs? By the type of judgment most reasonable parents would exercise.

The question is then raised: does not the Massachusetts religious exemption law protect parents using spiritual healing from involuntary manslaughter charges? In Massachusetts, in Commonwealth v. Twitchell, 1989, a Superior Court ruled that the religious exemption law applies only to the child neglect law in which it was contained (prior to 1986) and does not apply to the separate Massachusetts involuntary manslaughter law which contains no religious exemption. Established principles of law state that requirements of one statute do not carry over to a second statute unless the second statute expressly contains the same subject matter and manifests a common legislative objective. The Court ruled that child neglect and manslaughter are not the same subject matter. The California Supreme Court in 1988 made the same ruling with regard to the California manslaughter law and that state’s religious exemption.

Summarizing the above discussion, the present inadequate and dangerous mixture of laws for the protection of Massachusetts children from serious, religiously-based medical neglect is made up of the following legal elements:

1) A civil reporting and custody process for state provision of necessary care (Chapter 119). The proper functioning of the system presupposes that the condition of the seriously ill child will be reported in time.

2) An unenforceable legal duty of parents, themselves, to provide their living, seriously ill children with necessary medical care (common law). At present, there is no criminal child neglect statute which establishes a parental duty to provide necessary medical care and which establishes a penalty for parental failure to comply. Therefore, religiously-motivated parents have, and may continue to, overlook or ignore their legal responsibility, especially when this legal responsibility may appear to be waived by…

3) An ambiguous and legally doubtful “religious exemption” law. The Massachusetts Superior Court has ruled that the exemption does not apply when a child is “in jeopardy of serious bodily injury or death.” (Commonwealth v. Twitchell, 1990) Still, the Christian Science Church claims the exemption allows parents to reject the use of medicine for seriously ill children.

4) The involuntary manslaughter law which allows for prosecution of parents whose seriously ill children die because of lack of medical care due to parental refusal to provide such care.
The contradictions and flaws in this legal arrangement are so serious as to jeopardize the lives and health of children whose parents rely on spiritual healing; it was this flawed legal arrangement which in part led to the terrible and unnecessary death of Robyn Twitchell, and therefore, to the unavoidable and tragic prosecution of the parents.

Perhaps the most insidious aspect of the present legal arrangement is that the penalty for serious medical neglect of a child only attaches after the child’s death. The most useful function of penalty is to deter. Penalty for specific behavior is society’s clear warning that the behavior is unacceptable.

Children whose parents practice spiritual healing are in grave danger when the law establishes no enforceable legal duty for parents to provide necessary medical care while the child still lives, but instead leaves parents vulnerable only after a preventable tragedy. This legal arrangement provides parents who wish to rely on spiritual healing an incentive to risk their child’s life up until the very last moment, believing the law does not deter their behavior while the child lives. The current laws may well encourage parents to avoid medical treatment close or past the point of no return.

It would be better, however, to make a parent’s legal duty clear before a child dies. Many parents would be relieved to obey the law if the state would make its standards clear.

Rita Swan, The Exchange, Jan./Feb., 1988

The Christian Science Church in counseling the Twitchells as to their religious right to pursue spiritual healing and refuse medical care referred to the religious exemption, but did not counsel the Twitchells (according to Court testimony) of possible manslaughter charges if Robyn were to die. The Church’s failure to instruct on this point has led a number of legally naïve parents in other states to face serious felony charges. Again, the solution is to set a clear, pre-death warning against serious medical neglect.

Without such a pre-death standard, there is also no incentive for parents to seek medical care for children suffering from non-life-threatening (but serious) illnesses or conditions which involve prolonged pain or which may result in permanent disability.

Children are also put in jeopardy as a result of the fact that the only alternative for pre-death enforcement of parental medical neglect is a civil custody proceeding for state provision of medical care. Parents utilizing spiritual healing are discouraged from providing medical care: 1) by the religious exemption; and 2) by the lack of a child medical neglect statute. If a parent believes he or she may continue spiritual healing and avoid medical care so long as no one reports the child’s illness, then the incentive is to shield the child’s condition from responsible public authority. Since Christian Scientists and some other faith-healing groups shun most medical care, there is often no way the child’s condition will come to the attention of the reporting system. Among such groups, often fellow members are the only persons who know about a child’s illness.

Christian Science healers have no training in medical diagnosis, nor do they often report the serious medical conditions of children they are treating to public authorities. The fate of such children cannot be left exclusively to the reporting system. Parents must be required to provide their seriously ill children with necessary medical care. Having twenty-four hour custody and care of their children, parents are usually in the best position to assess their children’s health. The state cannot continuously monitor the health of children whose parents subscribe to faith-healing methods.

In order for children of parents who subscribe to spiritual healing to be adequately protected against unnecessary suffering, disability, and death, two major statutory changes are necessary:

1) In order to eliminate the remaining ambiguity caused by the religious exemption, the exemption must be repealed
2) A new child neglect statute requiring parents to provide their seriously ill children with necessary medical care must be passed into law. Massachusetts is one of the only two states that do not have a criminal child neglect statute requiring parents to provide their children with the necessities of life; in many of the state neglect laws necessary medical care is included as one of the necessities.

Should parents who religiously object to medicine be required to provide their children with medical care? Because of the inherent right of all children to live and grow, and because of society’s responsibilities to protect that right, all parents must be expected to exercise a basic standard of judgment regarding the need for effective medical care in the case of serious childhood illness.
VIII. Federal Legislation Regarding State Religious Exemption Laws

Religious exemption from state child abuse and neglect laws is due in large part to federal regulations adopted subsequent to enactment of the “Child Abuse Prevention and Treatment Act of 1974.” The Act established federal standards and financial support for implementing state child abuse prevention, reporting, and treatment programs. The Act provided federal financial assistance to states for operating child abuse programs, provided that the states complied with federal standards.

Unfortunately, as a result of lobbying by the Christian Science Church, the regulation that implemented the law required the states, as a condition of receiving federal assistance, to grant an exception

...which provides that a parent or guardian who does not provide medical treatment to a child because of the parent’s religious beliefs is not considered, for that reason alone, to be a negligent parent or guardian.

Prior to 1974, only eleven states had religious exemption statutes (Massachusetts being one). In order to comply with the new child abuse regulation, 33 states subsequently passed laws granting a religious exemption to child abuse and neglect laws. As a result of the 1974 regulation, the federal government effectively implemented a state-sanctioned form of child abuse.

However, in 1983 the Congress and the Department of Health and Human Services at least partially recognized the contradiction between establishing protections for most children while at the same time mandating death and disability, through religious exemption, to a smaller group of children. The regulations implementing the “Child Abuse Prevention and Treatment and Adoption Reform Act of 1983” state that:

Nothing in this part should be construed as requiring or prohibiting a finding of negligent treatment or maltreatment when a parent in practicing his or her religious belief does not, for that reason alone, provide medical treatment for a child; provided, however, that if such a finding is prohibited, the prohibition shall not limit the administrative or judicial authority of the State to ensure that medical services are provided to the child when his health requires it. 45 CFR p. 1340.2(d)

In other words, the 1983 amended regulations grant states the choice of whether to maintain or repeal religious exemption to legal determinations of parents’ neglect. However, according to the regulation, state religious exemption may not interfere with the state’s obligation to provide a child with necessary medical care. The absence of such religious exemption is no longer a bar to states obtaining child abuse monies. Further, the new law expresses the judgment of Congress that there is no obligation on the states, legislative or constitutional, requiring religious exemption.

The Massachusetts legislature, by congressional mandate, therefore, has the clear option of repealing the Massachusetts religious exemption (Chapter 273, section 1). In 1990, South Dakota became the first state to repeal a religious exemption statute permitting parents to substitute spiritual healing for necessary medical care for children. Far more significant for children across the United States would be the repeal of the Massachusetts religious exemption since Massachusetts is the home of the Christian Science Church’s world headquarters. The example of repeal in Massachusetts would give children’s advocates in other states additional political leverage in their own repeal efforts.

Note: The Christian Science Church has adamantly argued that the existence of the Christian Science Church and its religious practice would not be possible if the state religious exemption laws are repealed and if its parents no longer have the choice of relying exclusively on prayer, even in the case of serious or life-threatening childhood illnesses. In fact, the Massachusetts religious exemption has existed in law only
since 1971. Prior to this date, the Christian Science Church operated in Massachusetts for over eighty years without any exemption. Moreover, at present, both in England and Canada, national law requires that parents of children suffering from severe illness, in addition to using spiritual healing, must also obtain medical care. Christian Science has not died in these two countries.
IX. An Evaluation of Christian Science Claims for the Effectiveness of Spiritual Healing in the Treatment of Childhood Illness

The Christian Science Church has claimed that its methods of healing solely by prayer are as effective or superior to medicine in healing all childhood illnesses.

In an effort to prove this assertion, the Church has presented what it claims are two statistical studies of its “healing record.”

1. An Analysis of a Christian Science Study of the Healings of 640 Childhood Illnesses


According to the study, “All testimonies are submitted on the initiative of the respective testifiers…” The study admits, “These testimonies are manifestly religious rather than medical documents…” Moreover, “The medical specificity of the testimonies also varies greatly…a large number of testifiers refer to healings of diseases or conditions that are not medically named.” Further, “Some have questioned the reliability of details reported in the testimonies, since most, like the example just given, are by persons who are not medically trained…Even in diagnosed cases, testifiers are often reporting in their own words what physicians have said to them. The possibility that in some cases individuals have misinterpreted, misremembered or otherwise inaccurately reported the remark of doctors cannot be ruled out any more than the possibility in some cases of medical misdiagnosis.” Finally, “Cases listed as medically diagnosed, for example, include only those where a diagnosis was specifically mentioned or reasonably indicated by the testimony.”

How are we to have confidence that a diagnosis that is “reasonably indicated” actually corresponds to the true diagnosis; who made these diagnostic judgments based on second or third hand information – a doctor, a church official, or a statistician? While we cannot say that some healings from medically diagnosed illnesses did not take place, it is clear, based on the study’s methodology that the study’s results have no scientific reliability.

Furthermore, the study provides no access to the medical documentation it cites, so it is impossible to independently verify the study’s claims. It would be completely irresponsible to base critical public policy decisions regarding the effectiveness of spiritual healing on children on an unverifiable “study.”

In the study’s section, “Healings of Children,” the church summarizes the results of its compilation of 640 healings (which occurred between 1969-1988) which it claims were medically diagnosed. Of these 640 healings or conditions, 88 are claimed to have been pronounced, by a physician, to have been life-threatening. Of the remaining non-life-threatening illnesses, the study provides no breakdown as to which illnesses were self-limiting (illnesses from which a person will normally recover, with or without treatment), such as colds, headaches, small cuts, etc. Christian Science cannot claim that its methods of prayer are effective in healing all childhood illnesses based on recoveries from non-serious, self-limiting illnesses.

The study does list approximately 50 claimed healings from illnesses that would be classified as serious but which were not pronounced as life-threatening. These conditions included asthma, convulsions, pleurisy, bone disease, hernia, hearing loss, and physical deformities. Again, though some of these conditions may be resolved without medical treatment, without extremely detailed data it is impossible to know to what extent Christian Science methods contributed to recovery.
It is also impossible to know, because of the lack of medical documentation, how many of the children were actually healed: an illness such as asthma may recur periodically – a subsiding of symptoms may look like a healing but may instead be a temporary remission. Without better medical evidence, a portion of these healings may not have been healings at all. The value of these testimonial claims is further eroded by the flawed methodology in not obtaining diagnostic verification (as discussed above).

Next, the study summarizes the healing of 88 “life-threatening” illnesses:

...at least two of spinal meningitis...five of pneumonia or double pneumonia, one of food poisoning, one of diphtheria, one of wet lung, one of brain fever and chorea, two of heart disorders...one of stomach obstruction...Two healings of ruptured appendix involved teenagers.

Although these illnesses can be life-threatening, some are not necessarily fatal if left untreated. As in the illnesses classified as serious (above), it is impossible to know if Christian Science prayer was actually responsible for the healings or whether the children would have recovered anyway, without prayer treatment. Particularly, given the small number of cases in each diagnostic category (five cases of pneumonia, three of spinal meningitis, etc.) it is quite possible that the recoveries are not to be attributed to Christian Science but to the natural resistance of the children involved.

Of course, any claim by the study that it demonstrates the effectiveness of Christian Science healing is entirely nullified by the fact that the study lists only claimed successes in each diagnostic category. No comparative listing of failures is given to establish a demonstrated record of the number of successes compared with the number of failures in particular diagnostic categories.

Taking pneumonia, for example: the Church claims five healings over a 20-year period. The Church does not also indicate how many deaths from the same illness occurred in the same time period. (If there were five deaths in the same time period, this would not represent a very good record compared with medicine, or even with no treatment at all.) Prior to the introduction of penicillin and other antibiotics, a significant number of children eventually recovered from pneumonia, albeit after much suffering; and a significant number of children died. With the advent of antibiotics, the percentage of children dying of pneumonia decreased dramatically, and today children do not normally die of pneumonia.

Based on the study, Christian Science cannot claim that its treatment is effective in curing pneumonia since, 1) the five recoveries might have occurred without prayer, and 2) because there is no comparative recording of failure. Nor, based on this “study” can Christian Science claim that its method of treating pneumonia compares favorably to medical treatment of the illness. Medicine keeps clear statistics of its recovery rate and failure rate for pneumonia; Christian Science can make no comparison because it has no statistical record to compare with that of medicine. It is ludicrous to assert, based on five recoveries (and no record of failures), that any child with pneumonia should be deprived of the benefits, proven over the last 50 years, of antibiotics and modern medical treatment.

The preceding is not to say that Christian Science methods may not be helpful in aiding the healing process for certain types of childhood illness. Medical science has recently begun the study of the mind/body effect in promoting physical healing. Belief in recovery, peace of mind, and the placebo effect can be powerful aids to healing. But the ability of the mind to promote physical recovery has clear and definite limitation; in the case of childhood illnesses, the very uncertain and scientifically undocumented effects of prayer cannot be responsibly substituted for the proven effectiveness of antibiotics and other forms of medical treatment. There is no reason that prayer and medicine cannot be combined if a parent so wishes, but Christian Science claims that the use of medicine can prevent prayer from working.

There is a last category of childhood illness which is largely excluded from the Christian Science “study.” These are the childhood illnesses that are usually fatal without proper medical care. The study, apparently,
does not contain one healing of this type of illness. Unfortunately, there is a tragic public record of Christian Science’s failure to save children from a number of normally fatal illnesses.

Between 1986 and 1989, two Christian Science children in the United States under the age of 15 died of juvenile onset diabetes—a childhood illness that can normally be controlled with insulin but which is almost always fatal without proper medical treatment. These two children received no medical care; the only treatment provided was Christian Science spiritual treatment.

The Christian Science Church, in a second, separate “study” (see below) estimated that annually there are approximately 7,000 Christian Science children (between the ages of 4 days and 15 years) in the U.S. who are exclusively under Christian Science care for all illnesses and who receive no medical treatment.

Hence, for the 4 years between 1986 and 1989 the annual death rate of Christian Science children in the U.S. for diabetes was .5 per 7,000 or 7 deaths per 100,000. The annual death rate for all children in the U.S. under the age of 15 of diabetes in 1986 and 1987 as reported by the U.S. government is .1 death per 100,000. Therefore, based only on publicly reported deaths of Christian Science children of diabetes in the four years 1986-1989, Christian Science children on an annual basis (who received no medical care and only spiritual treatment) were 70 times more likely to die than all other children in the United States.

In California, in 1984, three Christian Science children who were receiving only Christian Science care died of h-flu bacterial meningitis, an illness which is 90 percent curable with the proper use of antibiotics. (The three claimed cures of “spinal meningitis” listed in the above study may well have been viral meningitis which is not an invariably fatal illness.)

Some statistical comparison between the rate of death of Christian Science children in California in 1984 of h-flu meningitis and the rate of death of all other children in California in 1984 of the same illness may be attempted. In that state in 1984, there were 23 deaths of children under age 15 of h-flu meningitis. Further, in 1984 there were 5,697,504 children under age 15, giving a calculated death rate of all children 0-14 years in California of h-flu meningitis of .4 per 100,000.

No figure is available for the number of Christian Science children in California receiving only Christian Science care. The only figure available is the estimated figure (see above) of 7,000 children nationwide annually receiving only Christian Science care. The comparison will then be the death rate in 1984 of Christian Science children nationwide receiving only Christian Science care of h-flu meningitis and the death rate of all children in California of the same illness in 1984. (This comparison gives an enormous statistical advantage to the Church’s method of treatment since the Christian Science deaths in California are not being compared to the number of Christian Science children just in California – the proper comparison – but the number of all Christian Science children under exclusive Christian Science treatment in the U.S.)

Based on the three deaths in California in 1984 and the 7,000 Christian Science children nationwide, the death rate of Christian Science children in 1984 was 3:7,000 or 43 per 100,000. This compares to the death rate of .4 per 100,000 for all children in California in 1984 of h-flu meningitis. Hence in 1984, the risk of all Christian Science children in the U.S. (based only on California reported deaths) was 107 times greater than the risk of only California children of death from h-flu meningitis.

More reliable statistics on the failure side: in 1985, at a Christian Science college in the Midwest, as a result of a campus-wide outbreak of measles, there was a documented death rate from respiratory complications ten times higher than expected had the students received medical care, rather than treatment solely by prayer.

In conclusion, simply put, there is no evidence presented in this “study” that even remotely suggests that society could responsibly allow Christian Science care to be substituted for medical care in the case of serious childhood illness.

The second “study” presented by the Church claims that Christian Science healing is twice as effective as medicine in healing all childhood illnesses. Rita Swan, in her 1990 monograph entitled, “The Law’s Response When Religious Belief Against Medical Care Impact on Children,” partially analyzes this study:

Despite its deposition statement that it keeps no record on its dead children, the church claimed in 1989 to have developed statistics indicating that Christian Science is twice as effective as medical care in healing all diseases of children. The church claims that only 23 children per 100,000 die under Christian Science treatment, while 53 per 100,000 children die under medical treatment. The only deaths of Christian Science children that the church acknowledges during its five-year study period are six that prosecutors filed charges on.

The Church claims (as a basis for its statistics) that approximately 7,000 Christian Science children in the U.S. receive only Christian Science treatment per year. However, the Church freely admits that this figure of 7,000 children is purely guesswork, based on an arbitrary estimate that there are four children exclusively under Christian Science care in each of the 1,800 churches and societies.

This figure of 7,000 children is further undermined by the fact that a large percentage of Christian Science children probably receive some medical care, thereby making any estimate of Christian Science children solely under Christian Science treatment virtually impossible. Perhaps as many as one-half of Christian Science marriages are mixed; Church doctrine stipulates that if the non-Christian Science partner wishes to obtain medical care for his/her child, then such treatment should be permitted. Furthermore, even when both spouses are Christian Scientists, the parents may turn to medical care when prayer is having no effect on a serious illness. So the Church’s arbitrary estimate that only 7,000 Christian Science children exclusively receive Christian Science care is even less reliable given these complicating factors. From the Swan monograph:

One also questions whether 53 children per 100,000 are dying “under” medical treatment or from lack of it. The church states that these children are dying “in a society that claims some of the best and most modern medical technology on earth.” Nevertheless, many children in the United States are deprived of optimal medical care and their mothers receive no prenatal care because of poverty and public policy.

The Christian Science “study” appears to be entirely spurious, or essentially just made-up. It demonstrates no comparison between Christian Science healing and medical care.

3. Christian Science Treatment Methods Lack Necessary Legal Accountability and Scientific Credibility

The following excerpt from Swan’s monograph outlines critical considerations as to why Christian Science care should not be accorded equal status with medicine and why religious exemption laws should be repealed:

The Christian Science Church has testified in Congress that it has a “system of health care...without legal restriction.” Perhaps here is the heart of the matter. A system of health care should have legal restriction and if the state is going to endorse it as appropriate care for sick children, the state should license it.
The Christian Science Church tells its health care providers not to report contagious diseases to the state. It dissuades them from reporting cases of sick children deprived of medical care to Protective Services agencies. It also lacks internal accountability and record keeping. Church officials have sworn under oath that the church has no “supervisory control” over its practitioners’ judgment about the condition of sick children,” that it has no training, workshops, or meetings for practitioners that “include any discussion on how to evaluate the seriousness of a child’s condition,” that it has never “named the death of a child as a grounds for revoking a practitioner’s listing” and that it keeps no record on children who die while receiving Christian Science prayer treatment.

Should the state be endorsing such a slipshod system as appropriate health care for a sick child? Religious exemption laws appear to do just that although the faith healers have no accountability to the state of their patient and no scientific data on the effectiveness of their methods.

Religious healing does not deserve to be a state-recognized system of health care as the exemption laws appear to make it. Medicine is a state-licensed system with well-defined responsibilities to the state and its patients. The effectiveness of medical treatment is established by rigorous, repeated testing. A doctor is obligated to use the most effective medical treatment available against a disease. If a doctor deviates from that standard, there are civil and criminal remedies available.

The state cannot regulate religious healing. It cannot set standards for the training of faith healers or certify their credentials to take life and death responsibility for helpless children. It should, therefore, not be endorsing religious healings as appropriate health care for seriously ill children.

Of course, no one is trying to outlaw prayer for the sick. The courts are simply ruling that prayer cannot be a legal substitute for necessary medical care for children. What the Christian Science Church asks for is the right to deprive the child of medical help for all diseases whatsoever and instead place the child in the care of a church practitioner who has only two weeks of training, cannot make a diagnosis, does not know when she/he is failing to heal, and will not refer cases to other health care providers.

To merit state recognition as health care for children, the Christian Science Church would have to submit scientific data on its ability to heal diseases that ordinarily require medical intervention.

As has been previously demonstrated, the Christian Science Church has presented no scientifically credible evidence that its methods can heal serious childhood illness.

Norman Fost, Chairperson of the Bioethics Committee of the American Academy of Pediatrics, stated on ABD-Television’s Nightline program that:

...this exemption that the Christian Science Church is asking for is...higher than any physician would ask for or would claim, that is, to practice any kind of healing – no matter what the scientific basis, no matter what the outcome – and to be absolutely immune from state intervention. They’re not asking for equality with medicine. They’re asking for a total immunity that physicians don’t have.

By means of religious exemption laws, Christian Science and other faith-healing groups want all of the privileges of a state-sanctioned health care system with none of the critical and necessary responsibilities.
Christian Science officials often attempt to defend their healing method following the death of a child with the following argument:

*When we lose a child, we get prosecuted. When they lose one under medical treatment, there’s no question of prosecution.*

Nathan Talbot, Church Spokesman

The fallacy here, of course, is that while many children do die under medical care, many such deaths occur because medicine cannot yet treat a particular illness successfully. Deaths may also occur, from time to time, because of complications, error, or negligence. Such deaths, however, do not invalidate the known and proven effectiveness of established medical treatment. Unlike medicine, Christian Science cannot claim a scientifically documented and established standard of treatment effectiveness.

Parents may be prosecuted for reckless conduct for failing to provide medical care which has been scientifically established as effective treatment for a particular childhood illness. On the other hand, in the event of medical error or negligence, a physician or other licensed health care provider may be sued for malpractice or prosecuted for criminal negligence.

Should the state punish parents who love their children and are acting out of their sincere religious beliefs? To establish a duty under law, that state has to spell out a penalty for failure to obey. That is the only way to establish a duty. At the least, the state should have the option of prosecution available so that parents have a legal duty to provide medical care.

Until Christian Science can present medically verifiable data that it can successfully treat serious childhood illnesses, Christian Science parents should not be exempted from the legal responsibility of all other Massachusetts parents to provide their seriously ill children with necessary medical care.

Christian Science treatment is reimbursable by several health insurance plans. Such recognition, however, does not imply that these insurance companies support the notion that Christian Science cures children of serious illness. Rather we should recognize that from the insurance companies’ perspective, it is simply a matter of good business to offer such insurance coverage.
Appendix I.

Massachusetts Organizations that Support Repeal of the Religious Exemptions Law

American Academy of Pediatrics, MA Chapter  
American Jewish Congress  
Boston University School of Public Health  
Brightside for Families and Children (West Springfield)  
Bristol County District Attorney  
Cambridge Family and Children’s Services  
Cape and Islands District Attorney  
Children’s Advocacy Network  
Children’s Friend and Family Service Society (Salem)  
Civil Liberties Union of Massachusetts  
Communities for People, Inc. (Boston)  
Disability Law Center, Inc.  
Concord-Assabet Adolescent Services  
Harbor Schools (Newbury)  
The Humanist Atheist and Ethical Organizations of Massachusetts  
Italian Home for Children (Jamaica Plain)  
Jewish Big Brother and Big Sister Association of Greater Boston  
Jewish Family and Children’s Services (Boston)  
KEY, Inc. (Framingham)  
Legislative Children’s Caucus  
Massachusetts Adoption Resource Exchange (MARE)  
Massachusetts Child Welfare League of America – Executive Group  
Massachusetts Committee for Children and Youth  
Massachusetts District Attorneys Association  
Massachusetts Society for the Prevention of Cruelty to Children  
Massachusetts Medical Society  
Massachusetts Nurses Association  
New England Home for Little Wanderers (Boston)  
Office for Children, State Advisory Council  
Parents Anonymous of Massachusetts  
Plymouth County District Attorney  
Suffolk County District Attorney
Appendix III.

Christian Science Beliefs

1. Introductory Summary

The following is a summary of the basic religious beliefs of Christian Science; it is based on an evaluation of the religious text of Christian Science, Science and Health With the Key to Scriptures (1971 edition) by Mary Baker Eddy, the founder of Christian Science:

The physical body is not real; it is merely a false idea, or image of the mind – an “error” of the mind.

The only true reality is “Divine Mind,” God, Love. However, according to Christian Science, there is a false state of mind called “mortal mind;” this mortal mind or false consciousness then produces the false belief that the physical world and the physical body are real. There is no reality to physical things; they are merely false thought.

Disease, evil and death are opposite to good or God. Only God is real; therefore, disease, evil and death do not exist – except as false thoughts.

Sickness occurs only because false “mortal mind” believes in the existence of the physical body and that the physical body can become sick. Disease only occurs if we believe it can occur.

Sickness, as a false thought, will cease when a person realizes the thought was false: that there can be no disease because sickness is physical and there is no reality to the physical. The only reality is Spiritual, God; God being perfect can only create perfection; man cannot be sick because sickness is imperfection and God cannot create imperfection. Sickness is a false thought. By giving up the false thought and returning to divine mind, the false thought of mortal mind, i.e. sickness, vanishes.

*NOTE: Recently the Christian Science Church has claimed that its method of healing by prayer alone is equal or superior to medicine in the treatment of childhood illnesses. Because these claims have very serious implications, it is only necessary and fair that Christian Science theory for the claimed effectiveness of spiritual healing be fully examined.

2. Quotations

The following are quotations that further reveal the beliefs and practices of Christian Science. The quotations are from a variety of sources – the preponderance are directly from Christian Science sources. Citations are provided; where the citation is only by page number, the source is Science and Health With the Key to the Scriptures, 1971 edition, by Mary Baker Eddy. Bracketed selections within a series of quotations are used, sparingly, for explanatory purposes.

Christian Scientists believe that God is the very source and substance of man’s life and well-being and that disease is mentally caused and stems from an overall human alienation from God.

Committee on Publication for Massachusetts, “Some Facts About Christian Science,” The First Church of Christ, Scientist
*All disease ultimately stems from mental attitude. In Christian Science, illness is seen as an aspect of human alienation from God. The limited views of human beings and the fears proceeding from them are objectified as disease.*


The following quotations are from *Science and Health With the Key to the Scriptures*, by Mary Baker Eddy:

- *Mind governs the body, not partially but wholly.*  
  p. 111

- *Mind governs the body, not in one instance, but in every instance.*  
  p. 162

- *Christian Science explains all cause and effect as mental, not physical.*  
  p. 114

- *Man’s belief produces disease and all its symptoms.*  
  p. 159

- *Christian Science teaches that matter is the falsity, not the fact of existence; that nerves, brain, stomach, lungs and so forth have, as matter, no intelligence, life, nor sensation.*  
  p. 127

- *All disease is the result of education.* [that is, knowing about disease and thinking about disease]  
  p. 176

- *Sickness is a growth of error, springing from mortal ignorance or fear.*  
  p. 188

- *When fear disappears, the foundation for disease is gone.*  
  p. 368

- *A physical diagnosis of disease, since mortal mind must be the cause of disease, tends to induce disease.*  
  p. 370

- *The cause of all so-called disease is mental, a mortal fear, a mistaken belief or conviction of the necessity and power of ill-health…*  
  p. 277

A May 12, 1990, *Boston Globe* article reviewed the testimony of Nancy Calkins, the Christian Science practitioner who “treated” Robyn Twitchell:

...as a Christian Scientist she believes physical pain and illness are illusions caused by “errors of the mind,” such as fear, hatred, envy and dishonesty.

Since it is a law of mortal mind that certain diseases should be regarded as contagious, this law obtains credit through association, calling up the fear that created the image of disease and its consequent manifestations in the body.
...mortal mind, not matter, contains and carries the infection. When this mental contagion is understood, we shall be more careful of our mental conditions, and we shall avoid loquacious tattling about disease...

When there are fewer prescriptions and less thought is given to sanitary subjects, there will be better constitutions and less disease. In old times who ever heard of dyspeptic, cerebrospinal meningitis...

Erring mortal mind confers the power which the drug seems to possess. [Healing from drugs occurs not because of any real action in the drug but only from the belief that the drug will work.]

Because Christian Scientists believe that disease results from a lack of understanding of God’s purpose for individuals and the world, they believe that prayer, not medical treatment, is curative. They say that prayer is a process of counteracting that lack of faith and consequently disease. Church members typically do not believe in being treated by doctors.

Elizabeth Neufer, The Boston Globe, July 5, 1990

It is a fundamental part of Christian Science teaching that spiritual care cannot be simultaneously combined with medical treatment because Christian Science doctrine differs so strongly with medical theory on the cause of disease and sickness.

Committee on Publication for Massachusetts, “Some Facts About Christian Science,” The First Church of Christ, Scientist


Each described the work a bit differently, but there were some basic similarities. All said their practice is conducted largely by phone, though some patients may request a home or office visit. All said they heal by praying and may suggest some religious reading. All expressed certainty that most of their patients are healed, sometimes in minutes and that any human disease can be healed spiritually.

Science can heal the sick, who are absent from their healers, as well as those present, since space is no obstacle to mind.

In the same St. Petersburg Times article cited above, Frederick Hillier, the Christian Science spokesman for Florida and a practitioner was quoted as saying:

And on rare occasions, they claim, Christian Science practitioners bring dead people back to life. My own Christian Science teacher appeared to have passed on because he was hemophiliac and he was brought back by a Christian Science practitioner who was not on the scene at the time. It is rare, but not unheard of. But we don’t publicize those
because it is so unbelievable. It would only increase the skepticism of what we do. Aging may seem inevitable, but that doesn’t have to be the case.

Christian Science “spiritual practitioners” receive no medical training; in fact, their entire formal training for church accreditation consists of a two-week classroom course in metaphysical prayer healing.

Leo Damore, in his book, The Crime of Dorothy Sheridan, described the technique of Christian Science healing as follows:

Christian Science functioned on three levels of practice: the first, and most widely used, specifically “corrected” the belief in disease at its easiest level by verbal confrontation through argument, turning the patient’s attention away from his symptoms by “arguing down” the disease’s reality. This was usually followed by prayers and readings of the Bible and the Christian Science textbook. But oral prayer was subservient to the second level of practice: the strictly “mental argument” of the silent or metaphysical prayer. Practitioners attained “an absolute source of healing” when they were able to read the human mind and discover the “error” of thinking to be destroyed. The third level of healing was the most radical, that of “impersonal treatment” in which the practitioner did not address the patient at all but gave himself over to “self-correction” and arguments against the false beliefs with which he himself was plagued.

For treatment of children, Christian Science practitioners also focus on the treatment of the false thoughts of the parents, since the minds of children are thought to be heavily influenced by the minds of parents.

Therefore, the efficient remedy [to an illness] is to destroy the patient’s belief [in the illness] by both silently and audibly arguing the true facts in regard to harmonious being – representing man as healthy instead of diseased and showing that it is impossible for matter to suffer, to feel pain, to be thirsty or sick.

When the first symptoms of disease appear, dispute the testimony of the material senses with divine science…dismiss it with an abiding conviction that it is illegitimate…meet the incipient stages of disease with as powerful mental opposition as a legislator would employ to defeat the passage of an inhumane law…

Banish the belief that you can possibly entertain a single intruding pain which cannot be ruled out by the might of mind and in this way you can prevent the development of pain in the body…fear is the foundation of a sickness.

If the case to be mentally treated is consumption [tuberculosis], take up the leading points, show that, inflammation, tuberculosis, hemorrhage and decomposition are beliefs, images of mortal thought superimposed on the body, that they should be treated as error and put out of thought, then these illnesses will disappear.

What sets Christian Scientists apart are the extremes to which they carry their faith, to the denial of a physical world, to the contention that any disease is curable, to the belief that medicine is not an aid to spiritual healing but an obstacle, to the idea that your body doesn’t have to age.

Dr. Norman Fost, Chairperson of the Bioethics Committee of the American Academy of Pediatrics has observed:

But were smallpox, cholera, eradicated because of prayer? People prayed for centuries without much change.

Perhaps the following quote summarizes the fundamental position of Christian Scientists on this issue:

Insist vehemently on the great fact which covers the whole ground....there is no disease.

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