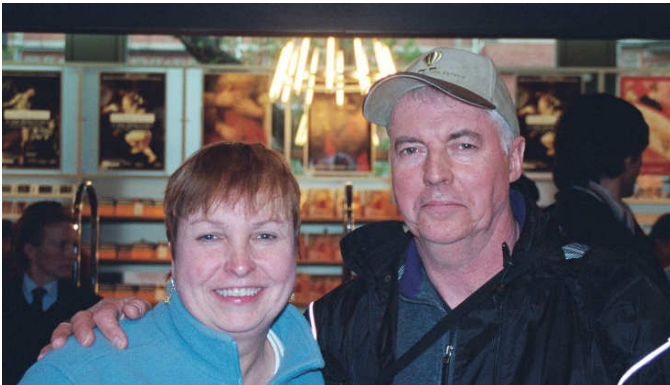


# Children's Healthcare Is a Legal Duty, Inc.

Box 2604, Sioux City IA 51106  
Phone 712-948-3500  
Web page: [www.childrenshealthcare.org](http://www.childrenshealthcare.org)

Number 3, 2007, © by CHILD, Inc.  
E-mail: [childinc@netins.net](mailto:childinc@netins.net)  
Written by Rita Swan

*Equal rights for children under the law*



*Steve and Jennifer O'Neal*

## International Cult Studies Association Conference: Brussels, Belgium

*by Steve O'Neal, M.B.A.*

Ancient Greeks and Romans believed that their dead were ferried across the River Styx and drank the water of forgetfulness from the River Lethe before entering Hades. These were the opening words of William Goldberg, M.S.W., to introduce us to the aims and intentions of the 2007 conference of the International Cult Studies Association, the essence of which was to ensure that we *not* forget. And as the name of the Association suggests, it is all about study and sharing the fruits of that study with formal presentations of papers, seminars, and workshops. No, there would be no forgetting.

The conference had a very cosmopolitan flavor. There were both Anglophone and Francophone sessions, and it was held at the Foundation Universitaire, which is situated on the edge of what is known as the Matongé district of Brussels: a vibrant, colorful, flamboyant area with a large Congolese population and lots of neat ethnic cafés, restaurants and shops. I used to live only about five streets away.

As a former Christian Scientist and former member of a “high-demand” far-left organization that I joined as a reaction to my stint in the Army, I

was drawn most strongly to the workshops for former members of cults. Some of these workshops were even designed for “second generation” ex-members, that is, those of us who were dragged in by our parents before we were old enough to make an informed judgment. That fit me to a tee.

I qualified for all of the ex-members’ workshops and discovered that they were therapeutic though I had never thought I needed therapy. After all, I was of the generation that rolled with the punches, took it on our chins, put smiles on our faces, shines on our shoes, and pulled ourselves together.

In addition to my disdain for therapy, I also harbored suspicions toward the whole counseling industry that burgeoned during the 1980s when it seemed to become *de rigueur* to have been raised in a “dysfunctional” family. I always thought I had grown up in a normal healthy family, so I was also attracted to the seminars that addressed the issue of family members who were still active in cults.

### Cults or high-demand groups?

Speaking of cults, what are they? The word “cult” is loaded with negative connotations. So much so, that the term “high demand group” is often used in its stead by professionals. Many readers will recall Jim Jones and the Peoples’ Temple and reeling with disbelief upon hearing the news of the mass suicides at Jonestown in Guyana. And who could forget the Manson Family? (Talk about your dysfunctional “families.”) Strange, violent outfits,

### INSIDE

Arizona court deprives foster child of immunizations on religious grounds .....	7
Book rates Christian Science by cult criteria .....	8
Review: <i>When Prayer Fails</i> .....	10
CHILD honors former Colorado legislator; more graves found at Firstborn cemetery .....	11

these. They brainwashed their members to cater to the whims, no matter how bizarre, of the leader.

But these lie at one end of the spectrum; most cults don't go so far as to order murder or suicide.

### Is Christian Science a cult?

What about the other end of the spectrum? Christian Science services are about as bizarre and violent as Saturday afternoon televised bowling. And just as interesting. Does such a group fall under the umbrella called "cult"?

According to the Merriam-Webster dictionary, a cult can be defined as a group having *great devotion to a person, idea, object, movement, or work*. But that's a pretty broad umbrella. Of rather more relevance to former Christian Scientists, speaker Rosanne Henry defined a cult as *a thought-reform program to persuade, control, and socialize members (i.e., to integrate them into the group's unique pattern of relationships, beliefs, values, and practices)*.

So, yes, cults *can* be stereotypically fanatical, coercive, and even physically violent, but the reality is often more insidious and subtle. Christian Science, for example, denies that matter and disease are real, and medical care therefore should be avoided in favor of the religion's supposedly superior "science." These are *ideas* to which Christian Scientists are absolutely *devoted*, to use the Webster definition, and which result in a *unique pattern of relationships, beliefs, values, and practices*, to use Henry's. So when the benefits of medical science are denied to a sick child, and further, when that denial results in the child's suffering a disability or dying an ugly death, is that not, in the end, as violent an act as a murder or a suicide? An organization does not have to fit the sensational profile of a Peoples' Temple for participation in it to yield tragic results.

### "Compliance is beyond question"

During the introductory session, ICSA Director Michael Langone pointed out that around 10% of new cult members are eventually thrown out of the cult on the grounds of non-compliance with the person, idea, object, or work. And yet 50% of the members who endure the first two to three years of cult activity never leave. By then their compliance is beyond question, and that is a chilling thought.

Below are some points from the workshops I attended that impressed me as especially important.



Carol Giambalvo

### Ex-members' orientation and debriefing

The first workshop I attended was led by Carol Giambalvo. Grounded in her own personal experience, Carol Giambalvo used to conduct family intervention work. She now serves as board member, consultant, and news researcher for ICSA and directs their recovery programs. We all introduced ourselves and gave brief descriptions of where we came from and how we got there. Among the participants were former members of Opus Dei, Hare Krishna, and Scientology. (Representatives of the latter could be found outside the Foundation Universitaire handing out helpful little ICSA "guides.") Carol advised us that there were facilitators and an assistance/security team in the event that any of us began feeling uncomfortable or "triggered" during the conference. And indeed, at least one ex-Hare Krishna felt intimidated by the mere presence of a couple of active Hare Krishnas, who were attending the conference on the strict understanding that they refrain from hassling other attendees.

Carol helped us to identify triggers and various cult dynamics, which resulted in our gradually feeling more comfortable with our abilities to diminish and, hopefully, to abolish finally whatever power cults still held over us.

We learned that no one really joins a cult on his own; people don't answer an ad in the newspaper. Rather, most members are recruited. The method is often sophisticated and tailored to the needs of the potential inductee.

## **Coping with Triggers** by Joseph Kelly and Patrick Ryan

Everyone knows what a trigger is, don't they? Phrases like "it triggered my memory of . . ." and "it reminds me of . . ." are common examples of how we can define and label triggers. A wonderful and positive example is in Marcel Proust's *Remembrance of Things Past* wherein a flood of memories engulfs the protagonist as he bites into a cake that he had dipped into his tea.

As they relate to cultic experience, however, triggers are not so pleasant. Indeed, in this context, triggers are closely associated with post-traumatic stress disorder or PTSD.

### **Causes of disassociation**

The process begins, according to thought-reform consultants Kelly and Ryan, when the high-demand group seduces us into a state of mind that, to borrow Carol Giambalvo's words, *interferes with the normally integrative functions of identity, memory, or consciousness*. This is known as *disassociation*, or a feeling of disconnection.

Disassociation can be engendered by the stress of maintaining beliefs, which was a huge issue for me before leaving the Christian Science church. Other causes of disassociative or trance-like states can be as varied as the stress of maintaining repetitive activities, physical exhaustion, diet and/or sleep deprivation, public confrontation, continuous dissonant sounds, rhythmic sounds or chanting, as well as the infantile regression of speaking in tongues and even the quiet of "empty-minded" meditation.

### **Effects of disassociation**

In the trance state, individuals cannot process information normally because critical thinking, or "the arguing self," is switched off. There is no reflection, no independent judgment, no decision-making. In such a frame of mind, the group ideology interprets the subject's reality for him or her because the subconscious cannot distinguish between reality and fantasy. Sounds or visions that the subject may experience—what Giambalvo calls "purposely manufactured physiological reactions to the trance state"—are also interpreted by the group.

The intention of inducing a trance-like state is to make the subject more suggestible not only during, but for several hours following, the trance. The

disassociative state becomes progressively easier to induce. . . and more uncontrollable.

## **How Memory Illusions and False Memories are Influenced by Social Expectations in the Real World** by Tor Endestad and Catherine Moestue.



Drs. Endestad (left) and Moestue, psychology professors at the University of Oslo, shed light on the dynamics of false memories by demonstrating how memory could be influenced to reflect a misconstruction of reality. Societal expectations of what

*should* have happened can often cause the recaller to misremember an event, and the misremembering becomes the new improved reality in the recaller's mind.

In a reality TV-type experiment over a three-month period designed to show the power of socialization pressures, 18 subjects were periodically interviewed and asked to recall certain events that took place over the three months. Owing to group expectations, their stories become increasingly identical as time went by.

Some of the most extreme examples of false memory, as Endestad and Moestue cited, have taken place in police interrogation rooms where suspects often confess to crimes they did not commit.

## **Boundaries: Reestablishing Trust**

by Rosanne Henry

Rosanne Henry, a licensed professional counselor practicing in Littleton, Colorado, guided ex-members through the process of re-establishing and strengthening boundaries that were eroded during the cultic experience. The only boundary that is rigidly enforced in a cult is the one between the cult and the rest of the world. When it comes to the individual member, cults just don't mind their own business. Personal boundaries are broken down. For the cult member, it can be difficult to discern where he or she ends and others begin.

Boundaries are necessary to healthy personhood, and establishing them is a way of bringing

one's "person-ality" into focus. To say that a person is very "pronounced" is to acknowledge that (s)he has strong boundaries, which are the limits that define our personal territory, our *selves*. They allow us to experience a sense of being and to attract respectful relationships.



*Rosanne Henry*

So it is essential for the ex-member to reset his/her boundaries. Some tips for setting boundaries are:

1. Be very calm and clear about setting boundaries; avoid hostility in doing so.
2. It is okay to feel embarrassed about setting boundaries. Just do it.
3. Be aware that complaining and whining may indicate the need for boundaries.
4. Be ready to test and enforce your boundaries.

Careful boundaries should increase self-confidence and re-form identity—"the budding self within," as Henry called it.

### **What not to do**

There followed a general discussion about what *not* to do in order to "get the cult out of me." Some build boundaries as a "Great Wall" to keep the world at bay, which will prolong the ex-member's poor self-concept and alienation from society.

We were also warned against trying to destroy the cult. Evidence indicates that would be an exercise in futility. However, it is okay to increase public awareness and to generally try to give the cult a bad day. Besides, most cults end up destroying themselves.

### **How to interact with family members**

Many of us are faced with the enigma of how to

interact with family members who are still attached to cults. Some suggestions on how to act with them are:

1. Live well. Let relatives see that, although you have left the cult, the sky didn't fall and Tinker Bell's light didn't go out.
2. Maintain friendly contact. Don't be "the enemy." Conduct yourself as if they are not in a cult.
3. Make yourself available as an outside source should a family member wish to exit the cult.

### **Forgiveness as a Clinical Issue in Cult Recovery**

by Joyce and Michael Martella

Michael Martella, a licensed family therapist in San Diego, and his wife Joyce, a doctoral candidate who works in a batterers' intervention program, conducted this workshop. It aimed to examine our attitudes toward forgiveness. Common ones include "forgive the sinner but not the sin," "move past the pain," and "forgive but do not forget." Forgetting, of course, is what we were admonished *not* to do in Goldberg's introductory remarks. Forgiving can be a stickier issue.

Exiting a cult is not a one-time event; letting go of an obsessive system of thought and practice is a process. We start by recognizing that something very negative did happen to us. But is it necessary to forgive it in order to move on?

Certainly, we have a right not to forgive, but should we forgive anyway if only because it may be in our own best self-interest? Would holding on to our anger and resentment end up harming us much more than it ever could harm the cult?

Revenge doesn't work; it puts us in danger of becoming like that which we hate. These are some of the issues to be grappled with.

### **Forgiving should not mean denial of pain**

If forgiving the cult or its members is not possible, the next best thing is to distance ourselves from anyone or anything to do with it.

But just "moving past the pain" without wrestling with the issue of forgiveness poses its own problems. Unresolved angers can become lodged in the subconscious where, like evil trolls hiding in the shadows, they can become even more poisonous. We can end up in shallow, defensive relationships,

and ironically, become more vulnerable to cults.

The better approach is to face the pain and dive into it. This helps to process our feelings and integrate our experiences. It increases our personal sense of self and helps us define and strengthen our boundaries. And ultimately, this can lead us into a step-by-step evolution into actual forgiveness and even eventual empathy for one's victimizers.

Of course, this would all be made so much easier if the person responsible for leading us into the cult in the first place sincerely apologized. But this would be exceedingly rare unless or until that person had also left the cult. For indeed, as with those of us whose parents raised us in such a group, waiting for an apology from those who are unaware they had done us any wrong, or who may no longer be living, would be a long and fruitless endeavor.

There followed a session with three speakers on different types of high-demand groups, the first being:



### **Catholic Sects and the Catholic Church** by Alberto Moncada

Dr. Moncada, who holds advanced degrees in law, education, and sociology, discussed Opus Dei (shades of *The Da Vinci Code*) and the Legionaries of Christ a.k.a. the Legion of Christ.

Moncada pointed out that, although both of these sects have infringed on the human rights of their followers, the only organization that the Pope has acted against has been the Legion of Christ, which was founded in 1941 by Fr. Marciel Maciel. (I had previously met J. Paul Lennon whose non-profit organization ReGain seeks to help former members who have been adversely affected by the Legionaries of Christ.)

### **Opus Dei's power in the Vatican**

The Vatican's refusal to rein in Opus Dei may be linked to the sect's financial clout, which was used to bail out the Vatican during its own fiscal crisis. Plus, some of their members hold high offices within the Vatican's bureaucracy. Although Pope John Paul II inveighed against the abuses of capitalism, he left the bare-footed priests who preached and practiced liberation theology in Central America to twist in the wind, reportedly on the advice of the ultra-reactionary Opus Dei.

One voice of dissent was raised after Dr. Moncada's presentation. An elderly gentleman protested that his organization was populated by highly motivated individuals with the highest ideals who had made valuable contributions to their communities. He did not identify which sect he represented.

### **Every Nation Churches and Ministries: Maranatha Reformed or Reborn?** by Bridget M. Jacobs

The next case study explored the issue of what can happen when a sect is destroyed: it spins off other groups that approximate the teachings and practices of the parent sect. Presenter Bridget Jacobs has a master's degree in English and is an ex-member of Morning Star International.

During the 1970s and 1980s Maranatha Campus Ministries brought thousands of young people into its "shepherding/discipleship" structure. It preached aberrant, if not heretical, Christian doctrine and demanded absolute obedience. Although it disbanded in 1989-1990 due to highly publicized internal conflicts, its several spin-offs continued to network with each other. This mutual cooperation culminated in the formation of Morning Star International (MSI), the primary Maranatha descendant.

### **Orthodox doctrine, but cultic tactics**

MSI was very careful to divorce itself from its Maranatha predecessor, and created legally binding bylaws to quell internal dissent and thereby keep its name out of the spotlight. Despite this, an MSI sub-ministry called Champions of Christ did become embroiled in a National Football League scandal.

Though it then had more traditional evangelical rhetoric, MSI leadership persisted in meddling in the personal lives of its followers. This included

banning dating, arranging marriages, breaking up existing relationships, promoting *sacrificial* financial donations, and encouraging submission to “delegated authority.” The leaders promoted themselves as “fathers” of the “spiritual family” and specialized in indoctrinating young people and fostering them to become leaders in the dominionist doctrine.

Eventually, MSI’s Maranatha pedigree became public, and new scandals involving its leadership and allegations of financial impropriety resulted in notorious lawsuits.

### **New name, but has its behavior changed?**

MSI morphed again, changing its name to Every Nation Churches and Ministries, with leadership expressing strong support for Israel and the Israeli hard right. But the name change did little to mitigate the heightened public scrutiny.

Although this group claims to have changed its leadership, reformed the authoritarian “apostolic team,” and generally cleaned up its act, there are suspicions that the former leadership may still be busy exerting influence from behind the scenes.

### **Vulnerability of new college students**

This case also illustrated just how vulnerable young people really are as they leave their high schools for colleges and universities.

In the old environment they were plugged into their local schools, churches, friends and family, but then they suddenly find themselves feeling decidedly “unplugged” in the new environment. Many find sororities and fraternities as welcoming organizations to join; others find more offbeat and sometimes dangerous groups to join.

Religious cults are quick to take advantage of the plight of these new arrivals. Foreign students, who usually feel even more disconnected, often become targets of these groups. Sometimes, however, cults can underestimate foreign students’ sophistication and strong sense of identity. As one Indian classmate so vehemently put it: *Why do they talk to us like that? They (in this case, the Campus Crusade for Christ) are so patronizing! We speak English better than they do! Our religion is 5000 years old!*

### **Ole Anthony, the Trinity Foundation and the Cult Controversy** by David Clark

David Clark’s presentation drew from the book *I Can’t Hear God Anymore: Life in a Dallas Cult*, in which Wendy Duncan describes her restoration to spiritual health after being in Ole Anthony’s Trinity Foundation.

A thought reform consultant, Clark discussed how we become vulnerable to the influence of cults, how the ego is destroyed by the cultic community and a new personality is created.

The Trinity Foundation, for example, uses a “hot seat,” where, Clark said, the ego is broken down by forcing members to publicly reveal their innermost secrets and faults. Trinity claims that this practice brought the members closer together, while former participants maintain that it was akin to rape.

Recovering from membership in an abusive cult depends on the ex-member’s understanding of the specific group dynamics, Clark said. Another factor is the length of time spent in the group.

### **Ambiguous Loss: A Parent’s Perspective** by Elisabeth Robbins

When a child is lost to a high-demand group, even when the child is still living at home, the parent experiences a sense of loss that feels almost as if the child had died. The child is “there” but “not there.” How does one grieve for such a loss?

There is very little in the way of social support for such grief; there are no social models. Even therapists who specialize in family dynamics often face difficulties in trying to address the family’s loss. After all, the child is not actually dead. Still, the sense of loss is very real. How does one attain a sense of closure, in so far as there is any such thing, for the perceived loss?

### **Framework for resolution**

In such a case parents need some kind of framework in which to hold their experience. Dr. Robbins, who directs the Family Counseling Center at St. Luke’s Hospital in Cedar Rapids, Iowa, used a model developed by Pauline Boss to help families understand how they can resolve ambiguous loss. This model identifies the various component ambiguities that comprise the greater ambiguous loss itself:

1. Ambiguity about what is actually happening to one's child

Cults often approach young people during a time of change, and there may be no greater time of change than at puberty. We have previously mentioned the attraction of cults and high-demand religions to young people away from home at college or university. Cults also strike at young people at the moment when they let go of mother's apron strings to experiment with independence or even rebellion, an otherwise natural and healthy process. Overwhelmed with concerns over drugs, sexually transmitted diseases, and the other myriad pitfalls of adolescence, parents often simultaneously push and pull, confused about whether, or how much, to let go or not let go.

Youths seek out different relationships and connections from the ones that existed between them and their parents; they form more peer-to-peer associations. As a non-traditional student at university, I often observed students who belonged to high-demand religious groups going around the campus in pairs (male-female) to proselytize to the lone (and it was always the lone) disconnected student. These groups know exactly whom to target and how to do it by harnessing one of the most powerful forces in the young person's life: peer pressure.

2. Cognitive ambiguity

Compose a narrative that makes sense of the situation. Develop a new gestalt where the whole is greater than the sum of its parts. Instead of asking if someone is trying to control the child, search out information. Know your enemy.

3. Emotional ambiguity

Identify the emotions that may apply to the situation, including:

- Confusion because the parents do not quite recognize the child
- Denial because, of course, the kid is too smart for this sort of thing
- Anger at the child and/or the group
- Aggression because the parents want to wreak revenge on the group
- Frustration, helplessness, like running into a brick wall
- Worry over the welfare of other family members and their futures

- Sadness at the loss, that the child will have no accomplishments or may be unable to marry and bring grandchildren into the family
- Guilt because the parents believe they have obviously fallen short
- Shame over the idea that others will blame them for the situation, which causes emotional isolation

4. Ambiguity about how to act and what to do, if anything

- Denial may work for a while but has its limitations as does blaming each other.
- Respect each other's differences.
- Work as a team against the group.
- Above all, avoid giving away power to the group by cutting ties to the child.

5. Ambiguity about the child's place in the family

- How to regroup and move on
- How to express love

The final word: enjoy present experience but keep the family open to welcoming the cult member back.

### **Living with uncertainty**

The world becomes more complex by the minute. The pace of life has become so fast that it feels like we are traveling on an ever accelerating merry-go-round fighting against centrifugal forces. Wouldn't it be easier to just abnegate the powers and responsibilities of decision-making altogether? If so, there are enough gurus, self-appointed shepherds, and hucksters lying in wait to relieve us of our burden of responsibility.

We can also choose, however, to educate ourselves to the dangers as best we can, learn how to cope with the fallout when something goes wrong, and cultivate the courage it takes to live in the uncertainties and in the questions of life rather than settling for someone else's pat answers.

### **Frightened sister returned to Christian Science**

As for my issues with Christian Science, they are not merely academic. Half of my family is still practicing it. Some years ago, one of my sisters developed breast cancer and, taking advantage of

her terror, the devout half of the family coaxed her back into that hoary old church.

According to its founder, Mary Baker Eddy, illness is but a manifestation of “error;” that is, the error of failing to perceive ourselves as God’s perfect image and likeness. Ergo, why bother with medical science, “*materia medica*” as Eddy called it, when we can heal ourselves “scientifically”?

### **Doctrine blames failures on the sick person**

Christian Science never once worked for me, but as a child, I thought my asthma attacks signaled that I was up to my neck in “error.” It was only much, much later in life that I found out that Mary Baker Eddy frequently resorted to *materia medica* herself in times of physical need. As with many a charlatan, if she wasn’t able to hide these transgressions, she created for herself arcane exceptions to the rules which she had set down for everyone else in her flock to follow. But when I was young and impressionable, I was a true believer and I followed the rules. That my prayers had gone unanswered not only meant that I had to continue the struggle for each breath, but also left me with the enduring feeling that, if there really was a God, he certainly didn’t have much time for me.

### **Interaction with ex-members’ families valuable**

Therefore, the most valuable resource of the ICSA conference for me was the workshops that involved the ex-members’ families. Apart from expressing my initial shock and surprise, I have never intervened in my sister’s decision to return to that fetid swampy cave of Christian Science. Perhaps because I felt I didn’t have the right tools. But the conference has given us tools, has given *me* tools, if judiciously used, to perhaps create a way out for those I care about. When it comes to the health and welfare, or even the life and death, of one’s nearest and dearest, is there really any other choice but to try?

The ICSA Annual Conference opened with a reference to ancient Greek and Roman mythology so I shall close with the same:

Being inside a cult can perhaps be thought of as living inside a latter-day Plato’s Cave. Within the cave, the prisoners are chained, unable to turn their heads, able only to see the wall of the cave. Behind them burns a fire and puppeteers manipulate objects

which cast shadows onto the wall. Knowing nothing else, the prisoners take these shadows to be reality and believe the interpretations given them.

Perhaps it takes a former prisoner to return to the cave, torch in hand, to unchain the inmates and lead them into the sunlight where they can turn their heads and see reality.

### **Kramer book examines Christian Science by criteria for cults**

CHILD reminds its readers that Linda Kramer’s book, *The Religion that Kills: Christian Science, Abuse, Neglect, and Mind Control*, is still available through internet bookstores such as amazon.com or by writing Linda herself at lindask@wideopenwest.com.

Published in 1999, the book analyzes Christian Science using psychiatrist Robert Lifton’s criteria of thought reform programs and other scholars’ research on cults.

### **Arizona court prohibits state from immunizing child in foster care**

In November, 2007, the Arizona Court of Appeals, Division 2, ruled that a child in foster care could not be immunized because her biological mother held religious objections to immunization. *Diana H. v. Rubin*, 171 P.3d 200 (Ariz. 2007)

### **Mom objects to immunizations, but not to losing custody**

The Child Protective Services division of the Arizona Department of Economic Security (ADES) took temporary physical custody of the baby Cheyenne in March and placed her in foster care. Her doctor reported that she was “behind developmentally” due to poor nutrition. Her mother, Diana H., allegedly abused alcohol and was allegedly unable to protect Cheyenne from domestic violence. Diana denied the allegations, but did not contest the “determination of dependency” that made Cheyenne a ward of the court because her natural parents were not meeting her needs.

Cheyenne attended a child-care center where her foster mother was employed. The center required immunizations for her continued attendance, but Diana raised religious objections. She believes vaccines are foreign substances that pollute the blood.

After hearing her pediatrician's testimony that a child of Cheyenne's age would normally have had immunizations against 15 diseases and that some of those diseases could be fatal, the trial court ruled that the state had the right to immunize Cheyenne, but the appellate court ruled 2-1 that Diana had the right to prohibit immunizations.

The Court of Appeals cited Arizona Revised Statutes 8-531(5) giving ADES, when awarded legal custody of a dependent child, "the responsibility to provide the child with adequate food, clothing, shelter, education and medical care, provided that such rights and responsibilities shall be exercised subject to. . . residual parental rights and responsibilities if they have not been terminated by judicial decree."

### **Depriving child of immunizations promotes family reunification**

The majority held that Diana still had a residual right to "determine the religious affiliation" of her child. While acknowledging that the best interests of the child should be paramount in dependency proceedings, the majority said a child's interests are "best served by the presumptive goal of reunifying parent and child" and therefore the state should encourage "a parent's continued engagement in the upbringing of the dependent child to the extent possible, even after legal custody of the child has passed to the state."

### **Religious rights take precedence over "non-urgent, irreversible procedure"**

The majority also complained that immunizations are "irreversible" and held that a "parent's long-term interest in raising a child and determining the child's religious upbringing" was more important than a "non-urgent, irreversible procedure."

Arizona law allows exemption from immunizations based on the parent's "personal beliefs." The majority cited it and other religious exemptions as evidence that the "legislature has elevated the religious rights of a parent above its own interest in

assuring children access to conventional medical care."

### **Dissent: children not parents' property, law requires immunization of foster children**

Judge Philip Espinosa strongly dissented. He cited Arizona law requiring the state to provide comprehensive medical care, explicitly including immunizations, for children in their custody. He argued that "residual rights" of parents who have temporarily lost custody of their children do not include a right to deprive them of medical care.

Espinosa quoted an Arizona Supreme Court ruling: "Children are not property of their parents whose control may only be interrupted by a finding of fault; on the contrary, . . . children. . . have special needs and rights. . . protected by law." *In re Maricopa County Juvenile Action no. J-75482*, 536 P.2d 197 (Arizona 1975)

### **Religious exemptions "legislative grace," not constitutional right**

He also wrote that Arizona's personal belief exemption to immunizations did not confer a constitutional right upon parents. The exemption, he said, "is merely a matter of legislative grace; it should not therefore be elevated to a constitutional shackle on a juvenile court's determining the medical needs of a dependent child."

Espinosa charged that the majority had "displace[d] the legislature's clear mandate that a juvenile court provide for a dependent child's care in accordance with the child's best interests."

"Equally troubling," he pointed out, is that under the appellate court's ruling "the ability of an unfit parent to control decisions for his or her dependent child is not necessarily limited to health care. For example, a parent of a seven-year-old dependent child could insist, based on a religious objection to a school's curriculum or to formal education itself, that their child be home-schooled, or not instructed at all, given the statute that permits a parent to opt out of public education until the child is eight years of age."

### **See if anyone notices**

This is a disturbing ruling. CHILD urged the Arizona Department of Economic Security to appeal it, but the department chose not to do so, saying that

instead they would “wait to see if anybody notices it.”

With the emotionalism about immunizations today, it is highly likely that many people will notice a published appellate court ruling.

### Hybrid rights theory

We would like to toot our horn on one point. In 2005 CHILD submitted an amicus brief in a Nebraska Supreme Court case over the state’s right to require metabolic screening without a religious exemption. A couple with religious objections to the test argued that the state had to prove a compelling state interest in screening their baby because it impacted on two of their constitutional rights: religious freedom and parental rights to custody of their children. Under this “hybrid rights” claim, two constitutional rights count for more than one and trigger “strict scrutiny” of the law to determine if the state’s interest is truly compelling.

Instead of challenging this claim, the Nebraska county attorney argued that the state did have a compelling interest in requiring metabolic screening of all babies and could meet the strict scrutiny review standard.

### State Supreme Court rejects hybrid rights, echoes CHILD’s amicus argument

CHILD’s amicus brief, written by Professor James Dwyer of William and Mary School of Law, demolished the hybrid rights claim.

It is highly unusual for a court to make a ruling that neither party to a case has asked for, but the Nebraska Supreme Court did. The Court ruled unanimously that, since neither religious freedom nor parental rights are absolute, cobbling together two limited rights does not give a parent a stronger claim against the state. Since Nebraska’s metabolic screening applies neutrally to all babies, the state need have only a “rational basis” for its law and does not have to meet a strict scrutiny/compelling interest standard of review, the Court held. *Douglas County v. Anaya*, 694 N.W.2d 601 (Nebraska 2005)

### Is prevention a compelling state interest? Must the state meet compelling interest test?

The majority in *Diana H.* said that the U.S. Supreme Court had affirmed the validity of hybrid rights claims and therefore the state had to show a

compelling interest in requiring immunizations. They did not believe a “non-urgent” matter such as immunizations was a compelling state interest.

It was a joy to see Judge Espinosa citing *Douglas County v. Anaya* to dispute the majority’s claim on hybrid rights. We’ve seen the Nebraska Supreme Court ruling cited several times and are very grateful to Jim Dwyer for his pro bono work for CHILD.

### Costs of Arizona measles outbreak

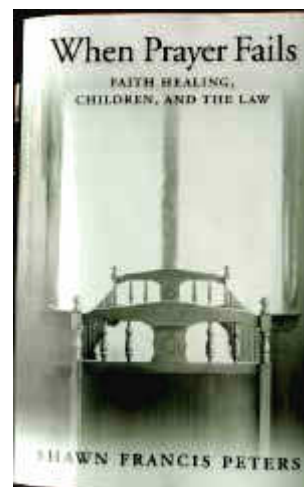
Between February and May, 2008, Arizona had 22 cases of measles among unvaccinated persons. By comparison there were only 42 measles cases in the entire country during the year 2007.

Containing these outbreaks is costly. In April, Arizona Governor Janet Napolitano released an extra \$50,000 for fighting the outbreak, and in May, another \$350,000. The belief objectors may not have changed their attitudes, but we doubt Arizona public officials think immunizations are a non-urgent matter today.

---

## Review: When Prayer Fails

Shawn Francis Peters has published an informative, valuable, and readable book on religious objections to medical care of children. It is entitled *When Prayer Fails: Faith Healing, Children, and the Law* (Oxford University Press, 2007).



Peters, who teaches writing and history at the University of Wisconsin, traces the belief that prayer heals disease from the bible to the present day and establishes it as widespread and persistent.

His main focus is on “the pursuit of justice” when children have died or suffered other harms because of their parents’ reliance on prayer to the exclusion of medical care.

That history begins with the 19<sup>th</sup> century English sect, the “Peculiar People,” whose followers

were the first faith healers to be prosecuted for letting children die without medical care.

Peters brings out a wealth of information about many American cases, especially those of the past quarter-century. Details of the suffering of the child victims are graphic and heart-rending.

### **Does prosecution serve a purpose?**

Peters presents the arguments of both prosecutors and defendants in the court cases and does not take a firm personal stand for either side. The book implies, though, that prosecuting parents for religiously-motivated neglect is not useful because it will not change the behavior of either the parents or their fellow church members and because the child is already dead. One chapter of the book is subtitled “The Promise (and Limits) of Statutory Reform.”

Peters has titled an upcoming talk “When Prayer (and Law) Fail,” and he has told the press, “The prosecutions are very unsatisfactory all the way around.” (Gannett Media, March 31, 2008)

In the book he says, “In the 1930s and again during the 1991 measles outbreak, authorities did not simply wait to prosecute church parents after their children died from illness. Instead, they were proactive, initiating legal actions designed to preserve the lives of ailing children by mandating medical treatment.” (134)

Obviously, obtaining a court order for medical treatment in time to save a child’s life is better than prosecuting parents after a child is dead; we’ve never heard of any authorities who were aware of a child’s need for medical treatment, but chose not to intervene and then prosecuted the parents after the child’s death.

The book contains some minor errors. It says the Church of the Firstborn was founded in the twentieth century, but the church is more than 300 years old. It says that a jury acquitted Christian Science practitioner William Rubert of manslaughter for letting a child die of diabetes under his spiritual “treatments” in 1937. Actually, however, the last year a jury acquitted Christian Scientists for the death of a child was 1902 when Mr. and Mrs. Merrill Reed of Los Angeles were prosecuted for letting their daughter die of diphtheria.

The last paragraph of Peters’ book betrays what to us seems like too much concern for the

parents and not enough for children. He writes of “the heart of the dilemma that still confronts devoutly religious parents who choose to treat their sick or injured children with prayer rather than medicine. Not only must they endeavor to safeguard the flagging health of their sons and daughters; they also must try to reconcile their devotion to God with their duties as citizens in a society that, while ostensibly honoring the principles of tolerance articulated in the First Amendment, boasts a long and sometimes checkered history of regulating the religious conduct of adherents to uncommon faiths.” (214)

### **Freedom to act cannot be absolute**

This dilemma is resolved by the sensible rulings in most First Amendment jurisprudence. In a nutshell, we have an absolute right to believe whatever we want, and we have a right to practice and act out our religious beliefs until we start impinging on others’ rights. In a nation with over a thousand religious denominations, that balance honors tolerance.

If children are not wholly property of their parents, if children have rights to life and protection, the “heart of the dilemma” is not a complex ethical quandary.

Shawn Peters has written two other books, *Judging Jehovah’s Witnesses: Religious Persecution and the Dawn of the Rights Revolution* and *The Yoder Case: Religious Freedom, Education, and Parental Rights*.

---

## **CHILD honors former Colorado legislator**

In the summer of 2007 CHILD held a dinner in Grand Junction, Colorado, to honor former Colorado Representative Kay Alexander, R-Montrose, for her leadership in getting a repeal of Colorado’s religious defenses to negligent homicide, manslaughter, felony child abuse, and reckless endangerment.

This was a magnificent, hard-won accomplishment—and it happened in 2001.

We waited so long to honor Mrs. Alexander because we hoped she would do even more to give Colorado children equal protection of law in a future session.



*Kay Alexander, Director of Dolphin House*

Unfortunately, she was defeated in her bid for a Senate seat. We still hoped she would return to the legislature, but she will not. She is happy with her important work as the executive director of Dolphin House Child Advocacy Center in Montrose.

Many Colorado children have died because of religious beliefs against medical care, particularly the beliefs of the Church of the Firstborn. Three days after Representative Alexander introduced her repeal bill in 2001, Firstborn child Amanda Bates, 13, died of untreated diabetes in Mesa County. She had gangrene in her genitalia and buttocks and was bleeding from every orifice.

After the repeal bill was signed into law, we did not hear of another Colorado child fatality related to faith healing. We hoped that there were none—that enacting a clear legal duty would change the behavior of the religious objectors.

### **Two more graves after repeal**

To double-check, we asked Frank Daniels, who had prosecuted two of the Firstborn child deaths, to go to the Pea Green Cemetery used by the Church of the Firstborn members and to look for any graves of children who died after 2001.

Unfortunately, he found two: Garrett Shane Richards, who died in 2003, apparently on the day of his birth, and Ella Dawn Byers, who died at six months old in 2005.

Daniels then wrote to Myrl Serra, the prosecutor for the judicial district in which the children

died. Daniels asked him to investigate the deaths, consider if criminal charges were warranted, and to report back on his conclusions. Serra never answered the letter.

The children remain forgotten and forsaken on Pea Green's desolate, windswept mesa. It will take more than a statutory change to get some on Colorado's Western Slope to care about the protection of children.



Nevertheless, we still say that repealing religious defenses to felony crimes against children was the right thing to do. Colorado law now makes a statement that society values the lives of its children, that children are not just the property of parents, but rather have rights to the necessities of life and protection from abuse and neglect.

Thank you again, Kay Alexander.

---

### **About CHILD, Inc.**

A member of the National Child Abuse Coalition, CHILD is dedicated to stopping child abuse and neglect related to religious beliefs, cultural traditions, or quackery. CHILD provides research, public education, and amicus briefs. It lobbies for equal protection of children within its limits as a tax-exempt organization. It also has a support group for ex-Christian Scientists.

For more information on CHILD and a membership application form, visit our web page at [www.childrenshealthcare.org](http://www.childrenshealthcare.org). Contact information for CHILD is on page 1 of this newsletter.