



## STATEMENT DC602

### Government Pressing Six Child Death Cases Against Christian Scientists

Authorities in four states are prosecuting Christian Science parents on manslaughter, murder, or child abuse charges for refusing medical care to their dying children.

The cases — six of them in all, including three in California — represent the largest assault in history against Christian Science reliance on prayer instead of medical treatment to cure disease, according to Rita Swan of the Sioux City Iowa-based organization, Children's Health-care is a Legal Duty (CHILD).

Christian Science began in 1875 with the publication of Mary Baker Eddy's *Science and Health*. About the same time the organization of "Christian Scientists," an association of Mrs. Eddy's students, formed to learn the finer points of her mind cure techniques. In 1879 the organization incorporated under its official name — The Church of Christ, Scientist.

Although 44 states have enacted laws to prevent prosecution of Christian Scientists on the basis of religious beliefs, a growing number of prosecutors are going after parents on the basis of *child abuse* statutes. Child abuse is not directly alluded to in most of the statutes protecting Christian Scientists.

The Massachusetts law protecting Christian Scientists passed by the state legislature in 1971 is similar to that of other states. Prosecutors argue that although it shields parents from charges of child neglect, it does not deal with child abuse. It reads: "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."

One of the two most publicized cases in recent months is taking place in Massachusetts. It involves Nathan Talbot, the top legal and public relations official working out of the church's worldwide headquarters in Boston. Talbot allegedly advised Christian Science parents David and Ginger Twitchell to not give their dying boy medical treatment. This case was recently highlighted on the CBS program "60 Minutes."

According to the "60 Minutes" report, Robin Twitchell, 2, died on April 3, 1986, after suffering for five days from a congenital bowel obstruction. Consequently, his parents were charged with manslaughter.

On "60 Minutes" Mr. Twitchell said he blamed himself for his son's death, not for failing to seek a doctor, but because he "failed" in his "belief". He said he prayed over his baby every night.

But District Attorney Newman Flanagan takes a dimmer view of the parents' actions: "They've lost a child," he said. "But that child had an awful, awful death....When parents act wanton and reckless and allow their child to die it's a crime and they'll be prosecuted for it."

David Rodman of the Suffolk County (Boston) District Attorney's office said the case will not be decided for some time; motions are scheduled to be filed by mid-March, and a long trial could follow.

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The other highly publicized case involves charges of third-degree murder and child abuse. William and Christine Hermanson of Sarasota, Florida, are accused of killing their diabetic daughter by denying her insulin injections.

Amy Hermanson, 7, died in September 1986. She had been ill for eight days and her diabetes worsened before an anonymous complaint alerted authorities. A local Court ordered medical intervention, but the girl was dead by the time paramedics arrived at the Hermansons' home.

In December the Hermanson's tried to block their prosecution on grounds of religious freedom by appealing to the U.S. Supreme Court. But Justice Anthony M. Kennedy denied the emergency request without comment. The case is scheduled to be tried before Sarasota Circuit Judge Alan Dakan, and is expected to be heard in the upcoming months.

The door for the above and other cases to be prosecuted was opened by a recent ruling by the California Supreme Court involving the three active cases in its jurisdiction. The same ruling also opened the door for potential legal action generally against religious groups accused of child abuse. That recent ruling stated that Christian Science parents who attempt spiritual healing and fail to the loss of life can be tried for manslaughter. In all three cases the children involved died of the same ailment — bacterial meningitis; and the parents were all charged with felony child endangerment and involuntary manslaughter.

The parents charged included Laurie Walker of Sacramento, whose four-year-old daughter Shauntay died in March 1984; Elliot and Lisa Glaser of Santa Monica, whose 16-month son Seth died in March 1984; and Mark and Susan Rippberger of Santa Rosa, whose 8-year-old daughter Natalie died in December 1964.

The most recent case to be publicized is perhaps the most gruesome. Elizabeth Ashley King died of bone cancer near Phoenix, Arizona, on June 5, 1988. At the time of her death, the 12-year-old girl, who had been out of school for seven months, had a 42-inch-round tumor on her leg that had eaten through her bones and genital area.

Elizabeth's parents, John and Katherine King, were charged with child abuse for letting her die. Prosecutor K. C. Scull said he recommended that manslaughter charges also be filed against the Kings, but the county Grand Jury would not go along with it after hearing tearful testimony from them. "Were not prosecuting them to attack their religion," said Scull in a telephone interview. "But when your beliefs contradict or come into conflict with the child's right to live, we think it's the government's responsibility to intervene."

Scull expects a trial to take place within the next six months.

Rita Swan, the co-founder of CHILD, is a former Christian Scientist who watched her 15-month-old son Matthew Swan die of bacterial meningitis in 1977. She said she is "encouraged" by the increased willingness to prosecute over unnecessary deaths.

"When my son died nobody cared," she said. "There wasn't even an obit in the paper. Mentally I thought that wasn't right. In those days that's the way it was when a Christian Science child died — there was no press coverage and autopsies were seldom ordered. The deaths were all swept under the rug."

She added that after her son died she and her husband, Douglas, began to realize that their church was partially responsible. They withdrew from membership and eventually formed CHILD to oppose groups whose doctrines or practices endanger children's mental or physical health.