



AMERICAN ATHEISTS

February 12, 2019

The Honorable Rep. Laurie Jinkins
Chair, House Civil Rights and Judiciary Committee
House Hearing Rm A
John L. O'Brien Building
Olympia, Washington

Re: SUPPORT for HB 1376, Testimony from American Atheists in support of legislation to end faith healing exemptions to medical neglect laws

Dear Chairperson Jinkins and Members of the House Civil Rights and Judiciary Committee,

American Atheists, on behalf of its nearly 1,500 constituents in Washington, thanks you for considering HB 1376, a vital measure that will protect the health and welfare of children in Washington State by ensuring that the government can take action to prevent and prosecute instances of medical neglect. This bill has broad support and has been endorsed by child welfare advocates, medical professionals, religious groups, civil rights advocates, prosecutors, and parent's groups. We urge you to swiftly pass this important legislation.

American Atheists is a national civil rights organization that works to achieve religious equality for all Americans by protecting what Thomas Jefferson called the "wall of separation" between government and religion created by the First Amendment. We strive to create an environment where atheism and atheists are accepted as members of our nation's communities and where casual bigotry against our community is seen as abhorrent and unacceptable. We promote understanding of atheists through education, outreach, and community-building and work to end the stigma associated with being an atheist in America. As advocates for the health, safety, and well-being of all Americans, American Atheists objects to efforts to subordinate medical care to the religious beliefs of providers and others.

Although Washington has long provided protection for children through medical neglect laws, the existing law contains a dangerous loophole. Specifically, Washington's child neglect law exempts faith healing traditions and practitioners from child negligence and criminal mistreatment prosecution. Moreover, the current language unconstitutionally favors one specific religion by creating special exemptions for Christian Scientists. These exemptions endanger children and shield faith healers from liability for letting children die by denying them basic medical care.

In 2009, 17 year old Zachery Swezey of Carlton, Washington, passed from appendicitis after his parents refused to seek medical treatment due to their religious beliefs. Appendicitis has a less than

1% fatality rate when treated with conventional medicine.¹ Research shows that between 1975 and 1995 alone, there were at least 140 pediatric deaths from conditions with a 90% or higher survival rate with medical treatment.² Under current law, prosecutors in Washington can do little to take action against those responsible for these tragic and unnecessary deaths. While adults have the right and ability to reject medical treatment for themselves, the Supreme Court has recognized that parents do not have the right to inflict these beliefs upon children by denying them appropriate care.³

Washington has a duty to protect all children, regardless of the religious beliefs of their parents or faith leaders. The current situation is simply unconscionable, in that it leaves too many children vulnerable to medical neglect, and unconstitutional, in that the law favors one particular religious sect. States like Oregon have already removed the dangerous loopholes allowing for medical neglect from their laws – Washington lawmakers should take immediate action to do the same and prevent even one more child in Washington from dying due to preventable illness in the name of religion.

HB 1376 is a common-sense solution to a tragic situation. We strongly urge you to pass this life-saving legislation. Thank you for the opportunity to testify in favor of this critically important bill. If you should have any questions regarding American Atheists' support for HB 1376, please contact me at 908.276.7300 x9 or by email at agill@atheists.org.

Sincerely,



Alison Gill, Esq.
Vice President, Legal and Policy

Cc: All Members of the House Civil Rights and Judiciary Committee

¹ Associated Press. (Jun. 9, 2012). "Faith-healing couple from Okanogan County take plea in son's death." *The Seattle Times*. Available at <https://www.seattletimes.com/seattle-news/faith-healing-couple-from-okanogan-county-take-plea-in-sons-death/>.

² Asser SM and Swan R. (1998). Child Fatalities From Religion-motivated Medical Neglect. *Pediatrics* vol. 101 No. 4 April 1998. Available at <http://childrenshealthcare.org/wp-content/uploads/2010/07/Pediatricsarticle.pdf>.

³ "The right to practice religion freely does not include liberty to expose the community or child 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 reached the age of full and legal discretion when they can make that choice for themselves." *Prince v. Massachusetts*, 321 U.S. 158 (1944).