

Does the Right to Life End at Birth for Some Kids?

By Jim Jones

It is time for the Legislature to repeal the faith-healing exemption to Idaho's statute prohibiting the injury of children. Section 18-1501 of the Idaho Code penalizes conduct by "any person" that is likely to endanger the person or health of a child. This applies to parents but the statute has qualifying language that limits violations to rather egregious conduct. It was carefully crafted to limit governmental intrusion into the family setting.

However, the statute includes an exemption that has allowed some parents to refuse to provide readily available health care to their children, resulting in needless suffering and death. The exemption says that the "practice of a parent or guardian who chooses for his child treatment by prayer or spiritual means alone shall not for that reason alone be construed to have violated the duty of care to such child." This language should be eliminated in order to protect some of our most helpless and vulnerable citizens.

Adults can decide for themselves on healthcare matters. If they decide to forego medical intervention for themselves for religious reasons, that is their prerogative. The state has an interest in safeguarding the health and safety of minors who cannot speak for themselves. Our laws have numerous protections for children without religious exemptions--marital age, child labor, ability to contract, and the like. In my estimation, the right to have basic life-saving healthcare trumps those protections.

A courageous young woman, Linda Martin, recently spoke out in a Statesman ad to urge the repeal of the faith-healing exemption. As a former member of a group that denies basic medical care to its youngest members, she spoke with eloquence and authority about the injury inflicted on sick children in the group. She closed with this statement: "This is not a freedom of religion issue: this is a right to live issue." Amen.

Since at least the 1980s, when I served as Idaho Attorney General, the Legislature has passed numerous laws intended to support the right to life by using the power of the government to require women to carry a fetus to term. To my knowledge, none of those measures contained a religious exemption. The question arises as to whether the right to life of some children in our great state ceases upon birth. It is time for the Legislature to stand up for our children and to require that faith-healing parents provide basic healthcare to their children.