

# Depth



**OPINION**  
GOP-CONTROLLED  
SENATE HITS NEW  
LOW BY REFUSING  
COURT NOMINEE **4C**



**COMMENTARY**  
BY ROBERT EHLERT

## The 'Way Too Early' 2020 Dems' presidential rankings

It was a dozen years ago this week that an Illinois state senator named Barack H. Obama gave a speech at the 2004 Democratic National Convention.

Some thought we'd just witnessed another Julian Bond moment, the arrival of a new voice on the national political horizon. Others — and I was one — were convinced we'd seen something even more special, for Obama had the charm and powerful delivery of a candidate who could go all the way.

Though I didn't see a new rising star this week with the chops of an Obama at the Democratic convention, I did see enough of the field to put together the last installment of my "Way Too Early" 2020 presidential candidate rankings, this week focusing on Democrats.

As I wrote last week, I believe the prize for the winner of the 2016 presidential race is a single term. It is what happens following such a chaotic transitional year like the one we are experiencing now. You wind up with a transitional president such as Jimmy Carter — who hit his stride when he left office, becoming a model for ex-presidents.

So, consider what happened the past couple of weeks at the conventions and what happens over the next couple of years as audition time for folks looking for a new address in Washington.

Assuming Hillary Clinton wins — but then loses the trust and allegiance of the nation and her own party over the next couple of years — it will be interesting to see how as-

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Roger Sherman, center, executive director, takes notes as members of the Idaho Children's Trust Fund discuss how to work with a legislative committee that is reviewing the state's faith-healing laws.

### FAITH HEALING

# Religious freedom or medical neglect? Idaho weighs issue

■ Idaho lawmakers this week take up faith-healing exemptions in state child protection laws that exonerate caregivers who decline medical treatment for sick children in favor of prayer. At issue is whether First Amendment religious freedom is a proper legal defense to withholding treatment, even if a child dies.

BY BILL DENTZER  
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The last person arrested in Idaho for putting religion ahead of medicine for a sick child might have been Lewis Anis of Kimberly, near Twin Falls, who was charged with refusing to provide medical attention when his 13-year-old daughter died.

The year was 1915. "Girl dies from neglect" the Idaho Statesman reported at the time. The story said au-

thorities called to the family's two-room home found the child "in bed, fully dressed and dying."

"No medical aid had been summoned and strenuous objections were made by the father and mother of the family to the removal of the child to the hospital or to any medical aid being given to her," the paper reported.

The girl did go to the hospital, but died there. Her father was arrested after an autopsy. Her death certificate said Pearl Anis died of sepsis. The story

ended by noting that her father was "a member of a religious cult known as the Followers of Christ, which disapproves of medical attention to the sick."

The paper reported another child death two years later under similar circumstances. What happened after in the Anis case is likely lost to history. But bear the story in mind next week, more than a century later, when a committee of Idaho lawmakers takes up the question of whether First Amendment religious freedoms are a proper and permissible legal defense to withholding treatment in such cases, even if a child dies.

Now, as then, the practices and beliefs of the Followers of Christ group are central to the

“THERE'S LAWS AGAINST ANIMAL SACRIFICE, THERE'S LAWS AGAINST POLYGAMY, AND THESE ARE BONA FIDE PRACTICES IN OTHER RELIGIONS THAT IDAHO HAS ALREADY LIMITED.

Linda Martin, former member of Followers of Christ

debate. The literalist Pentecostal sect has congregations in areas of Owyhee, Canyon, Ada and Twin Falls counties. Some say that more members have moved to Idaho from neighboring Oregon in the years since Idaho's neighbor to the

SEE FAITH HEALING, 2C



See a former church member explain why she wants to end Idaho's faith-healing exemption. [IdahoStatesman.com](#)



NICHOLAS K. GERANIOS The Associated Press

The Grand Coulee Dam on the Columbia River in Washington is the nation's largest hydropower producer.

### RENEWABLE ENERGY SOURCE

## Water has surprisingly bright future in U.S. power picture

BY CHRIS MOONEY  
AND BRADY DENNIS  
The Washington Post

Long before wind and solar, water was the nation's top renewable energy source. Going back some 100 years, the Unit-

ed States built enormous dams — like the Depression-era Hoover Dam in Nevada — to produce tremendous amounts of energy.

We have so many such dams that hydropower last year remained our

fourth largest source of electricity overall and our single largest renewable source, providing 6 percent of Americans' electricity.

Yet it's rarely talked about and lacks the excitement attached to oth-

“THE FUTURE OF HYDROPOWER IS NOT IN BUILDING NEW DAMS. IT'S IN RE-POWERING EXISTING DAMS, ADDING POWER GENERATION TO THOSE DAMS THAT DON'T HAVE IT AND UPGRADING AND IMPROVING THE DAMS THAT HAVE HYDROPOWER IN THEM.

Bob Irvin, director of American Rivers, a group founded to protect the nation's rivers

er renewables. That's in part because dams are controversial and can have major environmental consequences, affecting wildlife and altering local ecosystems. New ones also are expensive to build.

"A lot of people, when they think about hydro, they don't think that there's much growth opportunity," said Jose Zayas, who directs the Wind and Water Power Technologies Office at the Department of Energy.

"We wanted to really quantify the benefits of hydro."

A new report from Zayas's office takes a sweeping look at the state of U.S. hydropower and finds big potential. Based on the work of roughly 300 experts, the report published Tuesday concludes that substantial growth is possible in the sector, considerably upping the percentage of electricity that could come from non-carbon emitting sources.

According to the report, the nation's current hydropower has an electricity-generating capacity of about 101 gigawatts (or billion watts of instantaneous power generation) that could grow by about 50 percent by 2050. That equates to nearly 50 more gigawatts, which would add a few percentage points to hydropower's overall contribution to U.S. electricity.

One key reason is the number of existing dams that are not producing any electricity. "We have over 80,000 dams in our country, of which only 2,000 have power production," Zayas said.

Some could be equipped for generation, even as older facilities could be made much more efficient, the report notes.

Bob Irvin, director of American Rivers, a group founded to protect the nation's rivers, said he agrees that the country has the capacity to increase the amount of

SEE ENERGY, 3C



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Sherry Iverson, of the Idaho chapter of the American Academy of Pediatrics, is part of a group interested in the committee looking at faith-healing laws, which exempt parents from prosecution if they choose not to seek medical attention for an ill child.

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## FAITH HEALING

west eliminated faith-healing exemptions from its criminal statutes.

As with many debates involving faith, the issue gouges sharp societal battle lines here. Idaho, with a large population of Mormons whose beliefs were long held in contempt or ridicule by majority religions, is particularly sensitive to religious freedom concerns.

But child advocates, prosecutors, medical professionals and former members of faith-healing sects with stories to tell have been pressing the case for change. That's what's brought Idaho to the current moment.

How did this all start? And will this committee be able to sort it out?

"I'm looking for guidance on this," said Sen. Dan Schmidt, D-Moscow, a committee member who is a family physician and former Latah County coroner. "I do think the state has a responsibility to protect children, but protect them from what? Can you look at how a parent is treating a child and know that it's abuse or not?"

Followers of Christ members are media-shy and typically decline interviews. Sen. Dan Johnson, R-Lewiston, one of the legislative committee co-chairs, met with members July 6 "so we could both get comfortable with each other." He said they had agreed to participate in the committee's work.

Johnson declined to predict what the committee will end up doing.

"What I'm looking for is the needle in the haystack that is going to meet the state's interests and at the same time protect the rights of individuals,"

Johnson said. "I know that it's going to be a tough issue, and that there are those who think we should just leave everything alone. I respect that. But this working group, we've been tasked with looking at this so I want to make sure we give it a hard look and do the job that we've been asked to do."

### STATE STANDARD NOT NEW — OR OLD

Idaho's faith-healing exemption dates to 1972. The year before, the Legislature approved a top-to-bottom rewrite of state penal code, adopting changes recommended under a model advocated by a national legal group seeking to standardize and modernize American laws.

Among other changes, the new code that took effect in January 1972 decriminalized consensual gay sex. That produced an immediate citizen backlash. In the 1972 session, legislators quickly moved to amend parts of the new code. But so many amendments were proposed that lawmakers opted instead for full-scale repeal, driven mostly by the uproar over the gay sex issue. They dumped the new code and reinstated the old one, with immediate effect.

In that same session, after the old code was reinstated, an amendment to laws on family abandonment and nonsupport passed through the House and Senate without debate. The change removed penalties for withholding medical assistance in cases where a parent or guardian "chooses for his child treatment by prayer

or spiritual means alone."

That specific language is boilerplate Christian Science terminology, as the advocacy group Idaho Children notes. In fact, the state Bar Association referred to it as the Christian Science amendment. Two years later, Christian Scientists were involved in creating similar exempting language in federal child abuse protection statute. The 1974 Child Abuse and Prevention and Treatment Act included a provision, reportedly added by Nixon White House aides H.R. Haldeman and John Ehrlichman, both Christian Scientists, requiring states to enact faith-healing or "spiritual treatment" exemptions to receive federal funds for anti-child abuse programs. Founded in 1879, the church has moderated from its onetime outright rejection of modern medicine and now is said to let members choose for themselves.

In response to the federal law, Idaho enacted three additional changes in 1976 and 1977. State code thus has four provisions involving the exemption: in civil code regarding neglect and emergency treatment in child protection cases; and in criminal code regarding family abandonment and injury to children.

After lobbying, the federal government eliminated the requirement in 1983. Several states have followed suit. Oregon did so in 2011. Idaho has not and remains one of six states with what amounts to a religious defense for child manslaughter, even capital murder, in its code.

Rep. John Gannon, a Boise Democrat, has twice sponsored bills that address one of the criminal code exemptions, in

## Followers of Christ

A small Pentecostal faith with about 1,200 members, founded in Kansas around 1880. The group adheres to a literal interpretation of scripture, including a belief in faith healing. In the 1920s, members began missions from Oklahoma west to Idaho and California, and an offshoot of the main group relocated to Oregon City, Ore., in the 1940s.

In Idaho, there are Followers of Christ churches or congregations in Caldwell, where the Peaceful Valley cemetery is located, as well as Meridian, Marsing, Cambridge, the Castleford-Buhl area and possibly elsewhere.

## Interim committee meets this week

The Children at Risk-Faith Healing working group has its first meeting at 9 a.m. Thursday, Aug. 4, in Room EW42 of the Capitol.

Members are: Sens. Dan Johnson, R-Lewiston (co-chair); Jeff Siddoway, R-Terretton; Marv Hagedorn, R-Meridian; Mark Harris, R-Soda Springs; Dan Schmidt, D-Moscow; and Reps. Joe Palmer, R-Meridian (co-chair); Steven Harris, R-Meridian; Clark Kauffman, R-Filer; Janet Trujillo, R-Idaho Falls; John Gannon, D-Boise.

2014 and again this year. Advocates say this year's effort was slated for a Senate hearing, although the committee chairman, Lee Heider of Twin Falls, later disputed that. The facts are in question, and Heider came under fire for his handling of the issue and his defense of the exemption on First Amendment grounds.

### SO HOW AND WHY WAS THIS INTERIM COMMITTEE FORMED?

Gov. Butch Otter wrote to legislative leaders in February asking that they study the issue. The request was based on work and findings by governor-appointed Task Force on Children at Risk, whose chairman outlined concerns in a July 2015 letter to the governor. Among the concerns: the number of Idaho children who apparently died after live-saving care was withheld. The task force's Child Fatality Review Team, in its 2016 report, documents 10 such deaths between 2011 and 2013. Child advocates think there may be more that just haven't been documented yet.

### WHAT IS THE LEGAL ISSUE AND HAS ANY COURT RULED ON IT?

The Followers of Christ and their supporters, who include prominent Idaho legislators, argue that withholding medical care in favor of prayer is a religious belief protected by the First Amendment. Heider has expressed that view, and Rep. Christy Perry, R-Nampa, also has been outspoken, seeing it as an issue of religious freedom and parent rights.

But child safety advocates cite weaknesses with the religious freedom argument. For one, children of church members are not making their own decisions about their

medical care. For another, numerous laws already regulate or outlaw religious practices.

"An adult's religious freedom crosses the line when it causes death to a child," says Linda Martin, a native Boisean who left the Followers of Christ church decades ago at 16 and now leads citizen efforts to change Idaho's laws. She maintains connections within the church and is related to many members.

As for the courts, *Prince v. Massachusetts* is a 1944 U.S. Supreme Court case that dealt with a Jehovah's Witness couple accused of violating that state's child labor laws by making a nine-year-old girl proselytize in public. The 5-4 ruling said government has wide authority to regulate the treatment of children.

"Parents may be free to become martyrs themselves," Justice Wiley Rutledge wrote for the majority. "But it does not follow they are free, in identical circumstances, to make martyrs of their children before they have reached the age of full and legal discretion when they can make that choice for themselves."

That decision cited a 1903 New York court ruling in a case where a father had refused medical treatment for his daughter on religious grounds. The girl died. The earlier case said that freedom of religion did not include the freedom to expose a child "to ill health or death."

In 2011, Oregon removed the last of its faith-healing legal protections. A county prosecutor lauded the move for making all parents subject to the same rules. One couple was convicted of withholding medical care the same month the new law went into effect, another couple three months later.

Oregon's last prosecution ended in November 2014 with manslaughter convictions for a couple in the death of their 12-year-old daughter from treatable diabetes.

### SO HOW WILL CHANGING THE LAW CHANGE THINGS?

Beyond the obvious legal deterrent, proponents say changing the law would end what amounts to a special legal privilege now extended to people of certain religious faiths. It also would likely promote closer monitoring and better tracking of childhood deaths.

It might help anguished parents in faith-healing church navigate between obligations to faith and family, giving them legal cause to resist pressure, shunning and threats that ex-church members say they face.

Joshua Durham, a doctor in family medicine with Saint Alphonsus Regional Medical Center, has spoken to former Followers of Christ members and has personal experience having left a similar Christian sect in Twin Falls in his 20s. When a child comes down with a life-threatening illness, members end up in a double-bind.

"They'll tell them, 'If your kid doesn't get better, it's because you don't have enough faith.' And if they take their kid to the doctor, they don't have enough faith. 'You're going to get punished for that,'" Durham said. "It puts them in these bad situations where they can't win."

With a change in the law to remove the exemption, "They would be able to just tell their leader, 'Well, I don't want to go to jail.'"

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## EHLERT

piring Democrats distance themselves from that sinkhole.

### OBVIOUS

**1. Elizabeth Warren.** The Massachusetts senator seemed to be just getting warmed up on the national stage when announcing she was with "Her" and disgusted with "Him." The test for Warren will be: Can she define herself? If I'm right, she won't have the low-hanging fruit of Donald Trump for contrast anymore.

**2. Tim Kaine.** You have to pay respect to the VP on the previous ticket. The Virginia senator and former governor knows how to win the commonwealth, but how will he win over the other 49 without the turn-key Clinton machine?

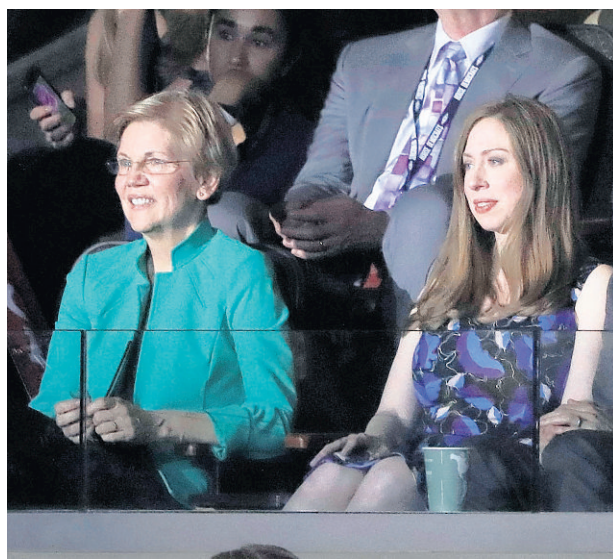
**3. Andrew Cuomo.** The only thing standing in the way of the New York governor's White House

bid has been Hillary Clinton. If she loses to Trump or falters after gaining the office, you can bet Cuomo will test the waters.

**4. Cory Booker.** The fledgling New Jersey senator and former Newark mayor is smooth, articulate and personable — and Booker Backers hope the heir apparent to the Obama legacy.

**5. Michael Bloomberg.** Is he a Democrat, Republican or whatever? Even he doesn't seem to know. But the former New York City mayor and billionaire has generated a lot of respect among independent political thinkers. Though he dissed Trump at the DNC, you can bet he observed how a rich guy can catch on in politics.

**6. Bernie Sanders or someone he anoints.** The Vermont senator turns 75 in September and would be 79 on inauguration day in 2021. His



MATT ROURKE The Associated Press

Alongside Chelsea Clinton, Massachusetts Sen. Elizabeth Warren watches Bill Clinton speak at the convention.

impact in the 2016 race means he has cards to play and fuel to Bern.

### NOT FROM THE EAST COAST

**7. Kamala Harris.** The California attorney general is running for the Senate seat (2018) now occupied by Barbara Boxer in a state where it's been a generation since someone

other than a female Democrat has represented the 35 million residents. Call her someone to watch.

**8. and 9. Joaquin and Julian Castro.** The Castro brothers buzz — Joaquin is a member of the U.S. House from Texas and Julian now serves as Obama's housing secretary — gets a bit more glow with every passing



CAROLYN KASTER The Associated Press

Democratic vice presidential candidate Sen. Tim Kaine, D-Va., has been thrust on the national scene.

year. They are beginning to get under the skin of Sen. Ted Cruz, because one of them will likely be his opponent in the 2018 Texas senate race.

### AND ALL THESE FOLKS

**10. Names to Note.** The Dem bench is not as deep as the GOP, but here are some names in the atmosphere: **Dan Rattin-**

**er**, journalist and newspaper publisher; **Mark Cuban**, pro sports and business tycoon; **Kanye West**, who would bring first lady Kim Kardashian to the show. Yikes.

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