

Experts challenge western medicine in McMaster court action

By Donna Duric

Writer

BRANTFORD, ONT-A family court judge heard last week that a New Credit girl who refused chemo has relapsed, according to a McMaster Hospital doctor testifying in the case of a Six Nations girl who has refused chemotherapy treatment.

Makayla Sault, 12, of New Credit was diagnosed with acute lymphoblastic leukemia.

She underwent 11 weeks of chemotherapy, before she and her family decided to pursue traditional medicine in May.

McMaster Children's Hospital's Dr. Vicky Breakey did not name the child but it was clear to the court she was discussing Makayla Sault.

Dr. Breakey said Makayla left treatments, but the hospital is monitoring her health.

The Brant Children's Aid Society (CAS) investigated Makayla's case but decided not to intervene.

Breakey, a pediatric oncologist, was testifying in the case of a Six Nations girl who has also stopped chemo treatments to pursue indigenous and alternative medicine.

A publication ban on her identity is in place.

Breakey testified in the Six Nations case, the girl would have had a 90 to 95 per cent chance of survival if she had continued with chemotherapy. Breakey said those odds would diminish the longer she is without chemotherapy. She said if she does not return to chemotherapy, she will die.

Court was told McMaster doctors were informed by the girl's mother they had decided to stop the chemo after 10 days of treatment. That same day, the hospital referred the case to children's aid.

Brant CAS investigated but did not intervene.

As a result the hospital launched court action taking the CAS to court in an attempt to force the CAS to seize the child. The child's parents and the Six Nations Band Council have all been named in the action.

Brant CAS director Andrew Koster testified he did investigate and found no need to intervene in the Six Nations girl's case.

Instead, he told the court the case belonged at the provincial Consent and Capacity Board, which has the authority to determine if the girl had the capacity to make her own decisions about her care.

The girl has been receiving treatment at the Hippocrates Health Institute, a holistic alternative centre in Florida for the past two weeks. She and her parents are not participating in the court proceeding.

Makayla also sought treatment there over the summer.

Makayla's family did not return Turtle Island News calls but posted a video on Facebook on Saturday in which Makayla says, "I just want to let everyone know that I'm alive and well and that I am healed."

An affidavit from Makayla's parents is expected to be submitted to the court this week.

A number of expert witnesses have argued during the current hearing that traditional medicine has as much merit when it comes to fighting a deadly life-threatening disease like cancer.

This past summer, the 11-year-old was diagnosed with Acute Lymphoblastic Leukemia (ALL, the most common form of childhood leukemia), which doctors say results in 100 per cent death without chemo.

The Six Nations girl and her mother left for Florida one day before learning the hospital had sought a court order to command the CAS

to apprehend the girl.

A precedent-setting court case has since been playing out in Brantford in the mother and daughter's absence, with witnesses arguing both for and against the girl and her family's right to choose her own treatment. Six Nations community members have expressed outrage over the hospital's actions.

Among witnesses who've been called to testify in the last two weeks are :

-Kim Miller, the Six Nations band representative with the Brant CAS

-Dr. Stacey Marjerrison, a pediatric oncologist at McMaster Children's Hospital

-Dr. Karen Hill, a Six Nations physician who works in conjunction with traditional healers

-Dr. Dawn Martin-Hill, a cultural anthropologist and director of McMaster University's Indigenous Studies program

The unusual case is the first of its kind in Canada and will set a precedent when it comes to First Nations people choosing indigenous medicine over Western medicine, says lawyer Katherine Hensel.

Hensel is a lawyer representing Makayla Sault. The CAS did not intervene in the Sault case and the hospital did not pursue court action in that case.

The hospital has yet to answer why it decided to pursue court action in this case.

Here is the testimony of the key players involved in the case.

Dr. Stacey Marjerrison:

Dr. Marjerrison testified the Six Nations girl is a "young" 11-year-old who didn't understand the scope of her diagnosis, based on conversations Marjerrison had with her while she was still being treated at McMaster. Marjerrison conducted a study into childhood cancer in Canada that suggested aboriginal children's

differences in biology may have played a role in higher death rates among aboriginal children fighting cancer as opposed to non-aboriginal children fighting cancer. The study took note of another U.S. study on Acute Lymphoblastic Leukemia that found, "Patients who had the 'ARID5B' genetic marker linked to native heritage did worse than non-natives when receiving lower-intensity chemotherapy."

She said the family elected to participate in a research trial on cancer. The doctor said the mom was interested in learning about naturopathic treatments. "I explained none of these are known to be effective," she said.

She said she explained to the young girl what was happening to her and that they would have to give her medicine that might make her sick. The doctor said the girl was "not aware of all the risks and benefits of" chemotherapy. She began receiving chemotherapy Aug. 15.

She began experiencing side effects like headaches, stomach aches, constipation, tiredness, nausea and feeling worn out. She was given additional pain medication - morphine - to help tolerate the side effects of chemo.

Two weeks into the treatment, the girl's mom told another physician, Dr. Vicky Breakey, that her daughter didn't want to take chemo any longer. They spoke about discontinuation on Aug. 28.

Doctors told the family, "ALL is universally fatal." Dr. Marjerrison said the hospital offered to open a space allowing for traditional medicine in conjunction with chemo. When the family declined, court was told, the family was notified CAS would be called in.

"Mom was aware and respectful that CAS had to get

involved," said Dr. Marjerrison. "She (mom) is convinced (her daughter) can have a cure without chemotherapy."

Kim Miller, Six Nations band rep. Brant CAS



CAS Andrew Koster

Miller met with the girl and



Dr. Marjerrison

her family and said the mother was concerned about the implications of the research study on the girl's health. Miller said the little girl could not read or write in English.

However, she said, "I am aware (the mom) talks to her children in Mohawk. (She) has a big role in the community and her family is well-known. I didn't have a problem communicating with (the girl)."

Miller said she and a native CAS worker met with the girl. Miller testified the two of them said the girl understood what cancer was and what was happening to her. "Her understanding of cancer was that it will make her die," Miller said.

"She became emotional and thought what it would be like for her family if she passed away, which tells me she knows what she's talking about when it comes to cancer. I consoled her. She started to calm down more

when I started talking about going to Florida," she said. Miller said she and another CAS worker asked her to describe the pain she felt on chemotherapy on a scale of 1 to 10. One meant nothing; 10 meant the most extreme pain imaginable. The girl said the pain was a level 10.

Miller said she was supportive of the mother's decision to use traditional medicine. "Those above me, upper management, are fully supportive, as well."

Miller said she's had family members with cancer who've been treated with traditional medicine who are still alive with the exception of her mother, who was in an advanced stage of cancer.

Miller told the court Western medicine has a need for numbers and statistics and that traditional indigenous knowledge won't be found in a book or study. The knowledge is passed down to healers via oral teachings. It is protected because of "greed," Miller said. She said if the knowledge were to get in the hands of Western doctors, "there won't be any medicines left."

Miller said the girl "In my opinion, (she) is a typical 11-year-old Onkwehonwe girl."

Miller said deferring to her mother for decisions didn't surprise her.

"That doesn't surprise me" because the girl hasn't had much exposure to people outside of Six Nations. It's like a cultural shock," she said for Six Nations kids who are suddenly exposed to life off-reserve. "They would experience fear and mistrust."

Miller said Six Nations children are respectful of their parents and look to them with "a lot of trust."

She also said the girl's maturity level is that of a child who would understand what cancer is.

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