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Call to Fire Sweden's Ambassador For Feminist Hate Speech

http://www.mensnewsdaily.com/archive/g/gay/2005/gay070305.htm

Roger F. Gay, **07-03-05**

Sweden's debate on feminism (related story) heated up this weekend. Former Equality Minister and current Ambassador to Brazil Margareta Winberg took her fight against men too far.

In comments to Brazilian weekly *Veja*, Winberg asserted that men beat their wives because of gains in equality for women. She said that Swedish men beat women to show that they still have power over them, despite their loss of power outside the home. Winberg is a member of the ruling Social Democratic Labor Party, the largest party in a socialist coalition.

On Friday, a day after the news broke, the leader of the largest non-socialist party, the Moderates, decided that the government should be formally questioned about the incident. According to *Aftonbladet*, Ambassador Winberg is standing defiantly behind her view.

(Translated) "Men lose power when women take it," she said. "Men therefore beat women to show that they still have power."

The leader of the Christian Democrats Göran Hägglund now says that the ambassador should be fired. Calling the statement astonishing, he said that Winberg would not have the confidence of a non-socialist government if he had anything to say about it. She should be a representative for the country's politics and should not speak ill of Sweden, especially not with faulty information.

In an article in *Aftonbladet* on June 12th, popular Swedish author and commentator Jan Guillou characterized Winberg as a devotee of "witch hunter" Eva Lundgren. (See article linked above.) Lundgren is a controversial Uppsala University professor who portrays men as satanic animals, according to Guillou. She generalized her characterization of men as pedophiles and a danger to children.

The article in *Veja* claims that 4 out of every 10 women are victims of violence. No source is given, but a Lotta Nilsson of the Swedish Crime Prevention Council (*Brottsförebyggande rådet*) recognized the figure from a book entitled *Slagen dam* (beaten lady). Eva Lundgren was one of the authors.

According to the book, 46 percent of women ages 18-64 have been victims of violence since age 15. 25 percent have been victims of physical violence, 34 percent sexual violence, and 15 percent have been threatened. The definition of violence included isolated events that felt threatening. In addition, 60 percent had experienced some form of sexual harassment. Apparently based on those figures, *Veja* reported that two thirds of women in Sweden have experienced some form of violence or threat.

Criminologist Jerry Sarnecki calls the numbers "nonsense" and his view is supported by results from Sweden's Statistical Central Bureau (SCB). According to *Slagen dam*, 25 percent of all women were victims of violence in the previous year. SCB surveys show 7.5 percent of all women experiencing some form of violence or threat during the previous year and only 3.3 percent experiencing physical violence.

A committee has been assembled to review Lundgren's research. The committee consists of professors from two universities and a lawyer for Uppsala University. Lundgren has been given until August 15th to provide a complete list of her publications and other credentials to be used in the review.

A government spokesman said that a consultation would be held with Ambassador Winberg before any response is given to questions about her statements to *Veja*.

Death of a Father

http://www.mensnewsdaily.com/archive/g/gay/2005/gay062305.htm

Roger F. Gay, **06-23-05**

Perry Manley is dead. He was a father and a good man. He spent a great deal of time and effort over the past 15 years fighting injustice in family law, particularly regarding issues of custody and child support. On Tuesday, he gave his life to the cause.

After years of protest marches, filing lawsuits, and objecting to the treatment he and other parents receive, to no avail, Perry Manley dressed himself in military clothing and went to the courthouse with one last appeal - and a dummy hand grenade. After being noticed by security guards, and confronted by police, he placed papers on the floor that he wanted to present to a judge. Then, one twitch and it was over.

The tragedy of Perry Manley's life and death is apparently not at an end. Readers of *MensNewsDaily.com* will likely not be surprised by the aftermath. A local paper, *The Seattle Times*, went directly into spin mode. (article) Not one, but three staff writers, plus two contributing staff writers and a researcher went to work portraying Perry Manley as an angry, confused, and obsessed personality who was simply too stubborn for his own good. Perry Manley's death, they contend, was suicide - that's just the kind of guy he was.

For 15 years Perry Manley raised critical issues that lie at the heart of human existence; family matters, children, his right to sustain himself, to act as the father he was, and for basic freedom from arbitrary government intrusion - and he was ignored. It is clear that there are those among us that would like everything he fought for during his life to die with him.

The staff at *The Seattle Times* started their report with "Perry Manley didn't want to pay child support" and described his legal pleas as "rambling." He didn't have a problem that needed to be fixed. He had an obsession.

But *RealChangeNews.org*, in an article the week before, seemed a great deal less confused. (article) He objected to divorce on religious grounds. He did not object to supporting his children, but objected to being forced to pay arbitrary amounts to his ex-wife. Forced to accept divorce, he felt strongly that he should have equal parenting time and that under such an arrangement, child support should not be ordered. He strongly objected to having child support withheld from his wages.

But even *RealChangeNews.org* got caught up in the spin. "Three attorneys with experience in family law say Manley's legal arguments don't excuse a man from supporting his children. They agree, however, that representation of fathers has been atrocious over the years - something that's slowly changing." I suppose though, if you're sufficiently intelligent and have a few more facts, you can put two and two together from that. Fathers get screwed in court. Perry Manley, who had suffered unemployment, was not able to pay the large arbitrary amounts the system requires of him. Screw him though - throw him in jail (again) for non-payment. Things are slowly changing. I guess that means someone might consider doing the right thing when hell freezes over.

It's certainly no coincidence that his fight began following the federal family law reforms (around 1990) that created a national fathers' rights movement. Similar reforms have gone into effect in other countries with an international fathers' rights movement as a direct result. What is called "child support" today is a large arbitrary amount set by a political process intended to favor private and public collection agencies. The higher the amounts are set, the more these institutions profit. "Child support" is just a label. The amounts ordered no longer have any direct relationship to children's needs or often - as in Perry Manley's case - the ability of parents to pay.

Attorney Ruth Moen insisted that men manipulate the system as often as women, a position that seems entirely untenable. Her description of how things work is built on images of court proceedings that took place at least a quarter century ago. Courts based decisions on facts and feelings in individual cases. Litigants (parents) tried to "manipulate" the court by presenting their circumstances and pleading their cases. Today, decisions are made *en masse* by legislators and review committees. How is it that a practicing family lawyer isn't aware of such dramatic changes in family law that have been in effect for 15 years?

RealChangeNews.org: "Lawyers say shared custody is a growing phenomenon, but one that only works when the divorced mom and dad can communicate without conflict." Raise your hand if you consult a lawyer when trying to decide how to best raise your children. Just as I thought - I don't see any hands. Responsible parents decide how best to raise their own children. If divorced, they may need to consult a lawyer to help make the arrangements they need. If a lawyer can't help make those arrangements, then a lawyer is of no use. Perry Manley found himself in that situation - oh, so familiar to millions of parents, especially fathers. He represented himself.

To construct an image of Perry Manley as a rambling buffoon, the staff at *The Seattle Times* turned to his ongoing disagreements with U.S. District Judge Thomas Zilly. "Being required to pay child support for his three children, Manley claimed, was a form of involuntary servitude, where a man is forced to work to support a child he is not responsible for raising." Judge Zilly, along with several other judges, dismissed his claims that the state was violating his rights by garnisheeing his wages. In April, Perry Manley sent a letter to Judge Zilly accusing him of Treason. Manley said the crime was punishable by death and the letter was turned over to the U.S. Marshals Office.

Finding protection of individual rights AWL in the modern practice of law, he did the best he could on his own. In the years I've dealt with fathers' rights issues I've heard the effect of current "child support" law described as "involuntary servitude" many times and Perry

Manley is not the first to conclude the laws are unconstitutional and to describe judicial support for these laws as treason. His arguments may have been technically incorrect, but I have never found these arguments illogical.

Finding current child support law to be unconstitutional is not particularly difficult. The amounts ordered as "child support" are arbitrary. They are decided *en masse* and applied in procedures that literally defend the arbitrary amounts against the intrusion of due process of law. Courts have preserved these laws only by taking the dramatic step of reclassifying marriage and family as public institutions and declaring that individual rights do not apply. (Thus, a fathers' rights political movement was born rather than fixing the problems through a correction in law obtained through litigation of an individual case - i.e. through "due process of law.")

Related: P.O.P.S. v. GARDNER, 998 F.2d 764 (9th Cir. 1993), U.S. 9th Circuit Court of Appeals - child support reclassified as "social policy" to be legally treated like taxes and welfare entitlements rather than as a private interest subject to respect for individual rights. This case directly affected family law in the State of Washington where Perry Manley lived.

The arbitrary *en masse* approach leaves many fathers with unpayable debts. They face financial ruin when they cannot get orders realistically adjusted to circumstances. They are ordered to work most of their adult lives to pay off an arbitrarily determined debt - an amount unrelated to their children's needs - and threatened with debtors prison if they don't. No reasonable person would accept this debt and its enforcement procedures voluntarily. The issue of servitude is clear by definition. What distinguishes current "child support" from a personal obligation (incurred willingly by having children) is that the amounts are not realistically related to support of children and cannot be realistically adjusted to family circumstances.

Treason was intentionally defined very narrowly by the authors of the Constitution, does not include errors in judgment nor normally would it include intentional acts of corruption by judges. You cannot be charged with treason merely for defying the king - so to speak. You pretty much have to be a citizen who's helping a foreign force invade the country. But for someone not armed with this particular legal knowledge - even if wrong - the charge is not entirely unreasonable. (And besides; Maybe Perry Manley was just as correct in his interpretation as judges who canít find any reason to declare current child support laws unconstitutional.)

Judges have the power and the obligation to protect and defend the Constitution. That includes the power and obligation to protect and defend individual rights and the system of individual rights that is defined by the Constitution. No reasonable and informed person can now perceive the support of many courts over many years given to an alternate system, in which individual rights have been abolished, as upholding the obligation. By striking so directly at the heart of our political definition and identity, they strike at the country itself. The death of the Constitution by refusal to apply it is literally the death of the United States.

Corruption of family law started with a profit motive, but itís obviously had a much deeper impact. Perry Manley, like many others, recognized that it does not make sense to continue to ignore the problem. The problem Perry Manley and others face is that if judges refuse to obey the constitution and massively support corruption instead, who is going to do what to fix the problem? Perry Manley, a father and a good man, wanted to be part of the solution.

Spiderman Strikes in Sweden

http://www.mensnewsdaily.com/archive/g/gay/2005/gay062105.htm

Roger F. Gay, **06-21-05**

STOCKHOLM - Just after 2 this afternoon, a man dressed as Spiderman climbed down the face of Stockholm city's large public theatre building, *Kulturhuset*, carrying a banner reading Fathers For Justice ("Fäder för rättvisa") that he hoped to fasten to the facade. It was a father performing an act that has become familiar in other parts of the world; demonstrating against injustice in family law.

(picture: 1 2)

This particular type of demonstration was made popular by *Fathers 4 Justice*, a fathers' rights group in England. Over the past few years, *Fathers 4 Justice* activists have appeared as Spiderman, Batman, and other characters, including Santa Claus at Christmas time. They have staged events on the London Bridge as well as in the House of Parliament while Tony Blair was speaking. (article)

Sweden's family laws are about as fair and balanced as imaginable. Within the past few years, presumptive joint custody laws have been strengthened and child support law modified to better account for participation of both parents in the lives of their children. (related articles: 1 2) Sweden allows up to a year of supported absence from work for parents of newborn children. Even that law encourages both parents to take some of that time rather than one.

But strong lobbying by feminist groups that tend to portray men as a danger to women and children is pushing the government back the other way. (related article) A government committee recently recommended adjustments to joint custody law that fathers' rights groups insist would give mothers the power to decide custody arrangements themselves.

Kulturhuset towers over a large public square that gets a great deal of public traffic. Climbing down its face must have attracted a great deal of attention. Television and newspapers are already starting to cover the event.

Local police seemed perhaps half aware of the purpose of the event. Watch commander Kristin Sylten told Swedish newspaper *Aftonbladet* that it seemed to be about a custody dispute, just like in England.

The man was arrested on suspicion of trespassing.

Child Support Guideline Changes in Minnesota and Australia

http://www.mensnewsdaily.com/archive/g/gay/2005/gay061705.htm

Roger F. Gay, **06-17-05**

The Australian government recently announced a new proposal for their child support guidelines. The design, presented by Patrick Parkinson, has been dubbed the *Parkinson formula*. But the basics of the formula are not new. They are in fact quite similar to guidelines fathers' rights advocates in the states have been complaining about since their introduction in late 1989.

Australia, like several states in the U.S., has been using a percent formula in which basic child support is assessed simply as a percent of a payer's income adjusted for the number of children being supported. Several states, including Minnesota have considered switching to the more popular variation based on what is known as the *Income Shares model*.

The Income Shares approach was proposed by child support collection entrepreneur Robert Williams (Policy Studies, Inc.) at the request of the federal collection agency in the U.S. (Office of Child Support Enforcement within the Department of Health and Human Services). Government enforcement agencies receive bonuses from federal funds based on the amount of child support paid through their system. Pseudo private collection agencies, such as Williams', retain a percent of the amount paid as commission for their services. Both groups favor formulae that arbitrarily increase support orders because of the increased income their agencies receive as a result.

Introducing the proposed change, John Hirst of *The Australian* reports that "It is hard to estimate the proportions of winners and losers in this scheme." Not really. Professors Sanford Braver at Arizona State University and David Stockburger at Southwest Missouri State University have already done a great deal of work on analyzing the differences between the two models. When looking at "new" proposals, the public should have greater awareness that child support issues are far from new.

The effort to replace judicial child support decisions with child support formulae began two decades ago. The use of presumptively correct child support formula began in the U.S. and Australia in 1989. Prior to that, state courts, local bar, and other professional associations worked on child support guidelines. More than one effort and some scientific analysis appeared in publications.

Aside from that, state courts in the U.S. had more than two centuries and Australia more than one to perfect child support decision theory. Even those efforts had a starting point in British common law that had evolved over hundreds of previous years. The effort to codify issues related to divorce presented in a commonly familiar written record goes back literally to the time of Moses, and there is archeological evidence that divorce issues and their settlements predate even that in a variety of cultures.

Despite the fact that the problem of making appropriate child support decisions has such a long history, it is widely agreed that child support formulae in use today do not do a proper job. In preparing new proposals for governments, serious work on developing a valid mathematical decision model is ignored.

Australians and Minnesotans are being told that the Income Shares model takes a step toward fairness compared to the percent formula. While there may be some slight truth to this view, for the most part the switch is from one formula that produces arbitrarily high results to one that produces a different set of arbitrarily high results. Neither model has been developed from the principles that emerged from hundreds of years of experience in adjudication of child support on several continents. Both were created to arbitrary increase the size of payments.

The recent history of child support reform in both the U.S. and Australia hinges on a single fundamental change. Child support (as well as other family issues) has been transformed as a matter of law from the private domain to the public. Decisions are now taken *en masse* and entirely open to political manipulation. The connection to principles of purpose and fairness were lost in the transition.

John Hirst puts the task of altering child support guidelines in the current context; "can the burden on fathers be lifted without harming children and outraging their mothers, supported by a strong feminist lobby?"

Not long ago, such a question would have been treated with contempt. Courts were, until recently, required to make independent and objective decisions. The suggestion that special interest groups may influence such decisions would have immediately been labeled for what it is: corruption. Any judge known to bow to such pressure may have been dismissed for bad behavior. When legislators bowed to such pressure, it would have been seen as a scandal at the very least.

Inside the Child Support Puzzle

http://www.mensnewsdaily.com/archive/g/gay/2005/gay061505a.htm

Roger F. Gay, **06-15-05**

I have recently written three articles on "the solution" to the child support problem. (links below) The articles have been posted in various forums where people interested in the problem - including several who have engaged in the child support debate for years - have been able to comment. Reaction to my commentaries on the solution has been interesting and I hope through continued dialogue to promote understanding of the solution.

As prelude to continued discussion, to reduce some of the background confusion in public review, it should be understood that I was never supportive of the movement to transform child support "guidelines" into presumptively correct calculators of awards. I support a return to constitutional rule in family law generally and definitely in the award of child support specifically. Guideline designers will only be challenged to construct and maintain formulae that actually do provide appropriate results if their results are open to challenge. Traditional constitutional due process provides the most efficient and effective approach.

The core problem that has been solved is that of finding the appropriate standard of living increase that can result from the payment of child support. Traditional statutes allowed custodial parents to sue not just for subsistence support of children but for an amount concomitant with both parents' ability to support. At the time federal laws were passed requiring states to use rigid formulae for award determinations, mathematical theory was incomplete. Current guidelines set award levels arbitrarily high.

The standard of living adjustment problem involves a puzzle. The puzzle involves two perspectives that seem to contradict one another. These two perspectives have been at the heart of public debate on child support since the introduction of federal reform.

The purpose of child support: "Child support is for the care and maintenance of children." The only criticism I've received in regard to this statement is that it is not consistent with current state laws. That's true, but since I know that current state laws yield arbitrary results, it would not make sense to try to derive a real solution from them. It is actually quite apparent that it would be silly to try to derive a formula for the proper amount of "child support" with the purpose being anything other than supporting children.

Now let's step onto trickier ground and introduce the puzzle once again. I have also said that the "actual economic role of a child support payment" is to increase the standard of living of the recipient household. This statement is the one that appears to be most at odds with the purpose. The actual difference is so basic that it might slip by unnoticed. My conclusion on the "actual economic role" is an observation, not intent. Even if the payment is only one dollar, it adds to the wealth of the recipient by one dollar and reduces the wealth of the payer by the same amount. It's a fact and an essential understanding in finding the solution to the standard of living adjustment problem. To be clear; it is not my choice. It is not a statement of policy preference. It is just something that is true.

Critics of my observation contend that it looks too much like the purpose of current guidelines; sharing income with the other parent as opposed to restricting child support awards to child support. They miss the point. In formulating policy, the difference between effect and purpose is huge. Confusing the two can be dangerous. In current law, where redistribution of wealth is the purpose, the statute is so vague that it tells us nothing about what an appropriate redistribution might be.

A reasonable person does not see legitimacy in a claim based on the principle that parents are obligated to support their children when the demand made is not actually for that purpose. If a state statute does not clearly state that the purpose of child support is support of children, then the statute is wrong.

I have said that "The basic purpose of child support law, combined with the richness of constitutional limits against arbitrary government interference, provide a sufficient basis from which a valid solution can be derived." This leads to the second fundamental principle of child support decision theory. (The statement of purpose is the first.)

Relationship (equal duty) Principle: Both parents have an equal duty to support their children.

This does not mean that each parent is obligated to provide 50 percent. The third fundamental principle demands that the understanding of children's needs and the parents' obligations are tied directly to the reality of their present circumstances. The solution is related directly to real circumstances - the *present* circumstances of families (i.e. while the payments are made). This is a fundamental difference between the solution and the ideas upon which current guidelines are built. The solution actually addresses the real situation rather than babbling aimlessly through the designer's fantasy world. Staying in the real world also allows a reality-check when the solution is applied.

Context Principle: All relevant circumstantial information may effect the amount of the award.

It is understood that the actual economic effect of payment is to increase the standard of living of the recipient household - no matter what the size of the payment. The answer is found by determining how great that standard of living increase can be without violating the three principles.

Related Article Links

Child Support Guideline Problem Solved
CS Guideline Solution: What does it solve?
Solving the Child Support Riddle
On Developing Child Support Decision Theory: Principles
Archive
Project for the Improvement of Child Support Litigation Technology

Suggestions for the EU Constitution

http://www.mensnewsdaily.com/archive/g/gay/2005/gay061505.htm

Roger F. Gay, **06-15-05**

Leaders of EU member states are scheduled to meet in Brussels Thursday to discuss the future of the proposed EU Constitution. The proposal requires ratification in all member states to take effect and has already been defeated in public referendums in France and The Netherlands. Of the ten countries out of twenty-five that ratified the proposal only one, Spain, passed by public referendum.

The proposed constitution would shift power on domestic policy from states to Brussels and nearly eliminate democracy, as we know it, in Europe. Polls have shown the public against the proposal by wide margins. The minority Yes campaign seemed confused about the actual contents of the document. The typical supporter talked about specific policy preferences and lofty policy goals rather than the power shift and fundamental change in the system of government that the proposal was actually designed to achieve.

Now that the proposal has been democratically defeated, EU architects are concerned about what comes next. Some fear that it could take up to ten years to reformulate and negotiate a new proposal. Given the enlargement plans of the union, a new proposal would have to be approved by an even greater number of member states.

The solution to the problem is potentially not as complicated as it currently appears. Some politicians are already suggesting that the power of the EU should be restricted to only the business of the union. This would allow a much simpler constitution with clear boundaries between state and union powers. The problem of gaining acceptance would be greatly reduced with much of state sovereignty remaining intact.

The EU Parliament should be the only body involved in introducing and passing EU legislation and would thereby control the overall political agenda. The Parliament is composed entirely of elected representatives chosen by the people of their respective states for that purpose. The people would naturally be more inclined to accept this straightforward democratic exercise of power than the proposed shell game involving bureaucratic institutions and commissions.

A greater challenge for Europeans lies in the free movement and integration of citizens of member states, traditionally viewed as foreigners. Political traditions are related to the particular ways in which states addressed historic problems of economic class. While understanding class differences can contribute to the betterment of society, more recent experience indicates that class based politics has its limits – particularly when dealing with “outsiders” that are seen more as invaders intent on stealing jobs, polluting the culture, and burdening the welfare system than as fellow countrymen.

A solution to this problem has already been conceived and proven effective in the long run. The EU constitution should include a demand for compliance with a basic list of individual rights. Individual rights break directly through class barriers and insure that the fate of everyone is tied to everyone else. Lowering the standard of human rights for an outsider would set a precedent that establishes a lower standard for everyone. Thus, everyone has a stake in maintaining a high standard of rights for everyone else in order to maintain the same high standard for themselves.

Another problem facing the EU is its high level of unemployment particularly in its immigrant population. Individual rights guarantee individual freedom. A “foreigner” without a job should for example find basic rights sufficient to guarantee that it is relatively easy start a business and employ other “foreigners.” The segregation that might result may not seem ideal to some social architects, but it is a more productive form of segregation than leaving immigrants without jobs to burden the welfare system. Economic freedom generally acts as a stimulus, creating more for everyone rather than burdening the more limited production of a more tightly controlled economy.

The EU needs a system of checks and balances to assure that the union lives up to its requirements. The courts should ultimately be answerable to the constitution and therefore the judicial branch of the EU and of its member states must be independent of the legislature and general administration. The power of the judicial branch should be separate from the power of the legislature but equal in strength. It must be capable of striking down laws that are incompatible with the constitution and demanding change in laws that are too vague or contradictory to be applied.

What I suspect is my most controversial suggestion is the separation of an executive branch from the other two branches. Members of some far-left political parties have raised objections, particularly to the idea of a president heading an independent branch. It looks too much like the American model. I would like to share a personal view in response to that objection.

I would like to see a non-partisan head of the executive branch chosen on the basis of honesty, integrity, and administrative competence. The task is administration. There is already one branch of government that exists to deal with the political issues of the union – the legislative branch. As I have said above, it is the elected representatives of the people who should have the power to control the political agenda.

The administrative and bureaucratic functions of the union need leadership. The chief executive needs, among other things, to be someone who will faithfully carry out the policies of the union, who will report honestly and insist that all departments report honestly, and who will carry on the constant battle against corruption that is always part of any large system that exercises power and is given large sums of money to spend.

In order to make it possible for my expectations to be met, the executive branch needs independence. How can we expect faithful reporting, for example, if the primary function of the chief officer is politics or if survival depends on pleasing the politicians? We cannot. Politicians will generally not appreciate reports that demonstrate that their favorite legislation is frivolous, destructive, or confused. The ideal chief executive function would be independent of politics itself, and cannot be without independence from the branch of government whose primary function is politics.

Unraveling Feminism in Sweden

http://www.mensnewsdaily.com/archive/g/gay/2005/gay061305.htm

Roger F. Gay, **06-13-05**

International reporters have commented on the *Feminist Initiative* (FI) in Sweden. Gudrun Schyman, the former leader of *The Left* political party that shares power with the Social Democratic government, announced last week that she expects FI to establish itself as a new political party set to run in the next election.

One of the stated purposes of FI is to stimulate debate and discussion on feminism. The effect may have been stronger than expected. Discussion and debate is in fact taking place, so much so that the glass barrier against criticizing feminist beliefs has been broken.

It started out in the usual way. A line-up of self-absorbed man-haters yakked away while a few timid "opponents" tried to search for reason and compromise where none exists. A lone fathers' rights advocate pointed out that violence by women against men is just as common as the reverse and that the high statistics feminists quote regarding violence against women include mostly false allegations made during divorce proceedings. The man-haters responded in an angry huff. They "know" that all evil in the world is caused by men. Women are victims. Men should pay a special tax just for being men. (related article on the man-tax)

Political repercussions tilted the same way. Fearing loss of votes to FI, the Social Democrats have been tripping over themselves in competition for the party of women image. At one point, the prime minister announced that he would consider legislation to force husbands to do more housework.

But a new seed had been sewn. The plan was to insist - to demand that more men join in their struggle. One man asked, "What do you want us to do?" When the answer seemed to be that men should battle against men to eliminate maleness, more questions began to emerge.

The scene really started to unravel when the president of a national organization aimed at providing advice and immediate support to women known as *Roks* announced that men are animals. The comment was apparently not intended as an elementary biology lesson. It was no longer reasonable to ignore the never-ending hatred of "extreme" elements of feminism.

In a new televised debate, journalists and experienced social commentators seriously questioned entrenched feminists (women who make a living at it) about the beliefs upon which their political and social empires are built. The feminists seemed to babble a bit. They weren't used to facing such a challenge. Under serious questioning they could not defend their propaganda as part of a battle for equal treatment or justice.

In an article in Sunday's *Aftonbladet*, popular Swedish author and commentator Jan Guillou likened extreme feminism with 17th century witch hunting. Back then, he writes, the belief that women were more disposed to satanic evil was thought to be based on sound scientific evidence. According to "official" Swedish science today, men are more disposed to satanic evil.

In 17th century witch-hunts, the testimony of children played a critical role. In Sweden today, the image of men as satanic animals comes from the testimony of children taken by Uppsala University religious historian Eva Lundgren. In an extension of her "scientific" work, professor Lundgren also asserts that it is in the male nature to abuse women and that all men are guilty. Therefore, the political argument goes, all men are obligated to support the feminist cause financially and to take up the battle against all other men. In the face of a Swedish law against hate speech, male bashing was in, and more feminist legislation (and funding) on the way.

Even with such broad public exposure of the feminist hate cult, Jan Giullou's account is not overly optimistic. He describes typical media support for feminism and does not see a fundamental change in Swedish policy on the horizon. Government funding for *Roks* has not been questioned for example. Some hope has been created at Uppsala University where it has been decided that Eva Lundgren's "research" should be reviewed. He suggests as well, that she may not be qualified for the professorship in sociology that she now holds.

What is not taken up in Jan Giullou's commentary is the fact that feminism is an international cult. Feminist "research" pops up throughout the world claiming scientific support for the view that all men are evil and all women are victims. The credentials of these researchers, at universities, in government service, and in government supported private organizations, are often suspect.

The message typically arrives in the form of false statistical information about domestic violence. In the 1990s, promoting the "Violence Against Women Act" in the U.S., statistical claims kept going up until nearly every man was an abuser. Feminists testifying before Congress pointed at the members before them and made them out to be suspects. Congressmen understood that their guilt would be implied if they did not acquiesce to feminist demands.

Feminists in the U.S. fought for guaranteed lifetime alimony and lost. They quickly shifted their sites on increasing child support award levels to achieve the same end. It wasn't long before feminist researchers convinced a large portion of the population that all men are predisposed to abandoning their wives and unwilling to support their children. Many tens of billions of dollars have since been spent on child support enforcement with no actual statistical effect. The "scientifically sound belief" they claimed was just another myth.

In the U.S., Australia, and other countries, exposure of the child support myth has not produced policy change. Objective research has been done and perhaps most impressively; the results are in. Unbridled child support enforcement did not yield improvement. But politicians in the states continue to push new enforcement initiatives as though desperate to be perceived as members of the cult anyway. We have learned however, that it isn't the false statistics and goofy analysis of feminist researchers that drives the system. It's the money.

Solving the Child Support Riddle

http://www.mensnewsdaily.com/archive/g/gay/2005/gay060105.htm

Roger F. Gay, 06-01-05

In a previous article, I summarized the way in which a mathematical solution was found to the problem of calculating just and appropriate child support awards. The article responded to questions and comments following a simple news report that a solution had been found and included links to articles for advanced study.

The purpose of child support is not merely to prevent children from becoming public charges. Amounts awarded are not limited to a division of subsistence support between the parents. The calculation of a child support award includes consideration of the parents' ability to provide a higher standard of living for their children. The previously unsolved problem is finding the appropriate standard of living increase.

Prior to federal reform, state courts understood the child support problem quite well. Many generations had dealt with the problem and valid decision principles emerged in the shadow of the constitution. The article suggests that a solid understanding of the mathematical solution can be reached within a reasonable period of time for those who are prepared and persistent. I believe some people can make it through the lengthy review and analysis of principles, and the derivations of the basic calculation, the balance of child support with spousal support, and the adjustments for visitation and shared custody over a dedicated weekend.

All that being true, one might reasonably ask why a solution to the standard of living adjustment problem wasn't found earlier. My own experience in finding the solution lasted much longer than a dedicated weekend. It began with the perception that traditional child support decision principles were nothing more than old (but seemingly quite reasonable) policy choices and that an analyst's job could be nothing more than finding equations to match whatever policy a state selects. That perception deepened as I read the technical work that provides the basis of current guidelines. The underlying logic, one might say politely, is questionable at best. Its developers did nothing to validate their results. Yet, their new policy choices in the form of simple equations and "economic tables" were adopted as law in every state. This was clearly politics rather than science.

Project work began with the goal of developing mathematics that could easily be adopted to the nuances of policy choices (including welfare and non-welfare policies). I wanted to formulate equations that policy-makers, judges, and parents can understand. To do that, it is necessary to match variables and logic in the mathematics to the reality of family circumstances. It was in the pursuit of this goal that I eventually made the transition from policy analyst to child support scientist. When policy is defined for a specific purpose, such as enforcing the support of children, random policy choices are invalid in a scientific sense. The basic purpose of child support law, combined with the richness of constitutional limits against arbitrary government interference, provide a sufficient basis from which a valid solution can be derived.

Finding the solution to the standard of living adjustment problem was not simply a matter of having the will to do it. Others had tried before. Sociologist Judith Cassetty investigated the challenge of developing a child support formula for the State of Texas. She concluded that if the state wanted a formula that could be presumed to give correct answers, they would have to abandon traditional child support policy altogether because no one knew how to calculate the right standard of living increase. (She then suggested replacing "child support" awards with standard of living equalization between parental households.)

A theoretical solution to the standard of living problem did not emerge in the many efforts of judges, lawyers, and bar associations. A well-known example is the work of family court Judge Melson whose guideline model was adopted as the statewide guideline in Delaware. His formula was derived from traditional child support law. It is clear and rational. He divided basic (subsistence) support between parents along with extra expenses such as day-care. After subtracting the payers' contribution (so far) from his or her net income, he added another 5 percent of what remained. This was not a theoretical solution, but one that seemed reasonable on the basis of his years of experience.

But I have said that the solution is not difficult to understand. So I should also explain that finding the solution involves solving a riddle. It was a lot like the first time, as a youngster, someone asked me, "What's black and white and red all over?" I heard "red" which was also suggested in context by mention of two other colors. In order to reach understanding, one must realize that the answer is not something that is "red" but something that is "read." (newspaper)

The purpose of child support is support of children, but what is the actual economic role of a child support payment? Child support payments are not made to children. They do not result from specific child related expenses being billed to parents who are ordered to pay. They are in fact payments made by one parent to another. They play the same role in the recipient household as income from any other source. They increase the income and thus standard of living in one household at the expense of the other. Given that their actual economic role is increasing standard of living, the solution to the standard of living adjustment problem is found by matching that effect to the intended purpose of child support; no more, no less.

The problem does have the character of a riddle. I have no doubt that many will have some difficulty accepting the inevitability of the result regardless of how the problem is re-examined. A child support payment is income that increases the standard of living of the entire recipient household. Did I say "read" or "red?"

I also understand that those of you who have no preconceptions, who may be looking at this problem for the first time, might be left wondering what all the fuss is about. Count yourself lucky if your only thought is - of course, child support money is the same color green as the rest. People involved in the debate understand the level of confusion that has persisted since the federal government reforms went into effect (1989) and that there is still a steep hill to climb before politics accepts rationality.

France Rejects EU Constitution

http://www.mensnewsdaily.com/archive/g/gay/2005/gay052805.htm

Roger F. Gay, **05-29-05**

The French people voted down the proposed EU constitution in a referendum today, temporarily lifting the dark cloud that was descending over Europe. In order to go into effect, it needed the approval of all 25 current member states. The French *non* will send EU architects back to the drawing board.

If passed, the new constitution would have given absolute power to Brussels on all domestic issues in a system controlled primarily by unelected bureaucrats. An elected parliament would have had an advisory role. At the state level, members of parliament would have been reduced to bureaucratic functionaries. This dictatorship in the eyes of its architects would have created a “more efficient” European Union where “cooperation” would be assured.

Whether or not a new version will be an improvement remains to be seen. The debate on the constitution has been nothing if not utterly dishonest. Utter failure by journalists of the old media to analyze and impart accurate information left voters in the dark about what the constitution is all about. Politicians selling the document focused on bright and shiny intentions rather than the real effect passage of the document would have.

At one point in the process, a set of basic, on-point criticisms did reach the public. The proposed constitution has problems with enforcement of human rights – depending as it does on stated intentions that bureaucrats with overwhelming power will create one huge happy socialist state. Another problem is that it would eliminate the hard-won democracy that exists in Europe today for the same reason.

To reduce the damage done by the truth, promoters quickly claimed that significant changes were made that fixed the problems. Journalists generally seemed just as befuddled as everyone else, reporting for the most part that they did not really understand the complex issues raised by the long bureaucratic document to begin with, let alone what difference a set of small and insignificant changes would make. It was really just the same constitution with yet another dishonest cover story.

So what will the next proposal look like? No one knows right now, but there will most certainly be attempts to revitalize the old one. “A new cover story is all it needs,” someone will suggest. And with the blind, deaf, and dumb dominance of the old managed news media still at their disposal, the forces of evil and ignorance will stand a chance of creating yet another great catastrophe in Europe.

Child Support Solution: What does it solve?

http://www.mensnewsdaily.com/archive/g/gay/2005/gay052505.htm

Roger F. Gay, **05-25-05**

Earlier this month, an article was published announcing; Child Support Guideline Problem Solved. It reported that Project for the Improvement of Child Support Litigation Technology (PICSLT) has presented a formula that was derived by focusing first on the logic of child support decisions rather than gross statistics. The article link was posted in several discussion forums where people with interest in the issue were able to comment.

The first concern voiced by readers is that the article did not provide details about the solution. I recommend The Alimony Hidden in Child Support as the next step toward understanding the solution.

Those who are in a hurry to delve into greater detail can do so by reading the articles in the list at the end of this article. If you passed high school algebra, you have the tools to understand the derivation of the formula. But you should plan more than an hour of study, especially if your life experience with mathematics is very limited. Of course, it is easy to understand once you understand it.

My suggestion to anyone who gets into the math is to leave your preconceptions behind. Current guideline technology has been promoted and discussed for the past 20 years, leaving many people with a strong (and strange) indoctrination. It should be easier if you can clear your mind and start fresh. That is something I would recommend in any case, since it has been shown (again and again) that current guidelines are based on an arbitrary premise and constructed through incoherent reasoning. The current guidelines are the result of politics (and corruption) - not science. Finding the right answer requires an entirely different approach.

I have one more tip on understanding the derivation. If you conclude that the model only considers what custodial parents might spend on children, it will be obvious that you did not go through the math. The formula is derived from principles that allow a standard of living increase for children based on their parents' ability to support. Finding a valid formula for child support that includes this standard of living adjustment was the key unsolved problem. It is this problem that has been solved in the PICSLT derivation. The presentation of the child support formula is even supplemented (in the same paper) by an equation for producing the proper balance between child and spousal support to reach a target standard of living for a custodial household.

The decision principles that provide the basis for the formula were established in traditional child support law prior to the federal reforms that require presumptive use of guidelines in all child support cases. They are discussed in a lengthy paper entitled; On Developing Child Support Decision Theory: Principles. The principles are:

> *Purpose Principle:* Child support is for the care and maintenance of children.
>
> *Relationship (equal duty) Principle:* Both parents have an equal duty to support their children.
>
> *Context Principle:* All relevant circumstantial information may effect the amount of the award.

The derivation begins by considering the standard of living of the custodial household, which is the controlling factor in the standard of living of the children of that household. The solution is found by considering the income of both parents to determine the standard of living increase that is consistent with the first two principles. Formulae have also been derived for accounting for visitation and shared parenting arrangements. (See below.)

It has also become clear in PICSLT research that dealing with the third principle is much simpler than expected. It is not important whether there might be countless reasons for adjusting awards due to special circumstances - extraordinarily high medical bills for example, or sharing day-care costs. The variations in the mathematics of accounting for special circumstances are extremely limited. It is rather obvious that if a family is spending $250 per month on day-care for example, that they will have $250 per month less to spend on other things. Income must be adjusted by that amount before applying the standard formula. As with any part of the solution, this conclusion is based directly on basic economics.

A second wave of concern expressed by readers involved the use of guidelines generally and extended to opposition to child support orders. In the 1980s, Congress passed a law requiring statewide guidelines as a condition for receiving federal funding. They then passed a law requiring state courts to presume that the amounts determined by the formulae are the correct amounts to be awarded in every case. In 1993, the U.S. 9th Circuit Court of Appeals consented to presumptive use of child support guidelines even though they produced arbitrary results. (P.O.P.S. v. GARDNER, 998 F.2d 764 (9th Cir. 1993)) This changed family law in a fundamental way because child support ceased to be a private issue and became a public (politically controllable) issue. This decision fundamentally changed the relationship between the individual and the state, knocking constitutional rights and separation of powers out of the picture.

We need to be cautious when attempting to tie a valid mathematical derivation to politics. When first approaching the derivation, I recommend complete separation from any political issue. The mathematics does not itself care how it is applied, or whether it is applied. The standard of living adjustment problem was well defined prior to the federal reforms and is in no way dependent on those reforms for its existence. No solution had been found to this problem prior to the introduction of the guidelines that are currently in use.

Technically speaking, that is why guidelines that give arbitrarily high results came to be accepted. For those who oppose child support awards completely, I can as a mathematician respond immediately. If no child support is to be awarded, the answer is zero.

In a more advanced look at the guideline problem, I would tie a formal solution to the standard of living adjustment problem to an extremely important political issue. It is a strong counter to the movement to eliminate constitutional rights and due process. That movement thrives on the presumption that there are no concrete answers to many questions dealt with by the courts. They contend that it is more efficient to force arbitrary standards than to deal with individual cases. The counter is that problems can be solved and the solution to this problem demonstrates that traditional due process worked extremely well after all, even when a complete theoretical solution did not exist.

But I will leave that to an advanced discussion. One must look very carefully at such an important issue. We should not be left with the sense that we must solve every theoretical problem that has not yet been solved in order to secure fundamental rights. Certainly it is instead entirely illogical to enforce "standards" that have not been properly developed from complete and valid theory and in any use of state power against individuals, the state should remain liable for its decisions in individual cases. If the state contends that this is too complicated, then they should retreat.

References:

The Alimony Hidden in Child Support
A Further Look at Child Support Guidelines, PS: Political Science and Politics, American Political Science Association.
On Developing Child Support Decision Theory: Principles
New Equations for Calculating Child Support and Spousal Maintenance With Discussion on Child Support Guidelines
Accounting for Visitation and Shared Parenting
Developing the Numeric Table for Child Support Award Calculations

Child Support Guideline Problem Solved

http://www.mensnewsdaily.com/archive/g/gay/2005/gay051205.htm

Roger F. Gay, **05-12-05**

In 1990, the federal government imposed a requirement on states to use rigid formulae (known as “guidelines”) to determine the amount of child support non-custodial parents are ordered to pay. If states did not comply, they faced loss of federal funding. Since then, parents and analysts have been aghast by the arbitrariness of award amounts. Underlying problems in developing a better formula have been solved. What remains is the politics involved in putting the knowledge to use.

The federal requirement developed in what was at least in part a backlash against early work on developing child support formulae. Most notably, Maurice Franks authored a formula that was being recognized by state courts as coming close to matching established policy. Franks' work was in fact an effort to model existing policy and he did not go so far as to claim any more fundamental or scientific basis to his formula. A similar effort was carried by Judge Melson became the model for the the first version of Delaware's child support guidelines. Similar efforts were being made throughout the country by individuals and local bar associations.

Groups representing divorced and never-married mothers saw the emerging change in process as an easily obfuscated back-door route to policy change. They were soon joined by entrepreneurs who sensed an opportunity for profit connected to greater federal involvement in marriage and divorce. When the requirement went into effect in the guise of “child support enforcement” it came with recommendations from federal regulators to increase awards to two and a half times what they had been under established state law and provided financial incentives to states for the increase.

Advocates of the new formulae implied a scientific essence in their work by saying it is based on “economic studies.” Their studies consisted of manipulating statistical data on family spending and presenting estimates of the cost of raising children. They constructed simple equations to divide the cost between parents. It is more widely recognized now that their equations are too simple to make sense in a wide range of circumstances and that their cost of raising children estimates are mere fabrications. In other words, their formulae are arbitrary manipulations of child support policy. (journal article) .

Intelligent Systems Research Corporation (ISR) began work on the guideline design problem in the late 1980s. After reviewing the “economic studies” approach, attention turned to the approach previously taken by state courts, beginning with review of work by Franks, Melson, and others.

It was thought at that time that courts would eventually recognize the arbitrary nature of existing guidelines and insist on constitutional grounds on a return to the previously established, time-tested model. (MND article) ISR planned to develop general mathematics that could be adapted to the nuances in child support and welfare policy in individual states.

The prediction that courts would begin correcting the problem did not hold true however. In 1993, the U.S. 9th Circuit Court of Appeals issued a ruling in *P.O.P.S. v. GARDNER* that reclassified family policy from a private issue to “social policy,” in effect socializing child support. This effectively eliminated the application of constitutional principles.

But ISR was on the verge of a significant discovery. Traditional child support policy that had developed over generations through repeated analysis in (at least) the shadow of the constitution was more than just a good idea. Evidence emerged that there may be only one correct theory of child support determination. Traditional due-process had paralleled scientific process to some degree in the search for it.

The work itself transferred from ISR to a private project called Project for the Improvement of Child Support Litigation Technology (PICSLT). In 1994, PICSLT presented a new formula focusing first on the logic of child support decisions rather than cost estimates. It might be said that the key to the formula is that “child support” is taken to be just that – child support. There is a natural logic to the decisions so long as they are unbiased.

In a more recent discussion paper, PICSLT presents (in a little more than 14,000 words) a review of traditional state court precedents in child support cases, extracts the main principles, and reexamines them in a more generic way. When properly understood, the principles that had been stated in traditional law and repeatedly examined by courts are scientifically valid. The paper goes on to show that deviation from the principles yields answers that quite recognizably incorrect.

Battle Over EU Constitution Continues

http://www.mensnewsdaily.com/archive/g/gay/2005/gay050405.htm

Roger F. Gay, **05-03-05**

The French people go to the polls this month to vote on a referendum on the EU Constitution. The proposed constitution would shift power from the parliaments of member states on all issues except defense to an EU bureaucracy that allows input from EU parliamentarians. Its lack of democratic control would redesign Europe, bringing its political system much closer to China and the former Soviet Union.

Surveys showed the likelihood of rejection by the French, but that has recently changed in response to last minute promotional efforts by the government. The most recent survey shows 52 percent in favor of acceptance.

Jacques Chirac's strategy for gaining acceptance can almost be described as the perfect political crime. He's fooled the public by sending copies of the constitution to every voter, allowing them to read it and decide for themselves. Certainly only the few most gifted commentators will be able to explain what's wrong with that.

As a writer, I am always sensitive to the length of my articles. Readers are often pressed for time and if you can't hold their interest, they won't finish reading. The proposed EU Constitution is a very long, and very bureaucratic document. Its initial pages contain flowery statements about the objectives of the EU, a legally non-binding set of statements that say what people like to hear that may have been constructed using focus groups.

Chirac responded earlier to criticism by stating that he felt that a last minute response would work better than engaging throughout the debate. The trick is actually easy to understand. If he had confidence that understanding would lead to acceptance, he would have sent copies out months ago, allowing voters time to thoroughly read, understand, analyze, and debate the details.

The government needed less than a 10 percent shift – swing voters in order to tip the scale in favor of acceptance. Chirac seems to have achieved that by understanding that a typical undecided voter is not likely to study and analyze the devilish details of a long, bureaucratic document at the last minute. So the flowery ambiguities of the first few pages have swung voters who do not have the slightest idea what they are really supporting.

The Swedes are used to open government and much more engaging in democratic process than the French. Although party leaders from the right and the left showed strong support for acceptance of the Euro, grass roots opposition from members of all parties won rejection in 2003.

Polls currently show that Swedes oppose acceptance of the proposed constitution, but the Prime Minister, Social Democrat Göran Persson, has rejected all calls for a referendum and supports passage by the parliament instead. Swedish opponents of the constitution won seats in the last European Parliamentary election and will be campaigning in the next national election. Polls are also showing a large drop in support for the Social Democrats and the Prime Minister.

The determination to force acceptance of a political system on a population that does not want it (apparently at any political cost) is being met with another tactic as well. Swedes have been collecting signatures in favor of holding a referendum. More than 120,000 signatures have been collected outside of the Social Democratic Party without influencing the Prime Minister's position. Now members of the Social Democratic Party have started a petition and are expected to get enough signatures to support an internal vote that may result in a policy shift within the party.

Australia Families Under Attack

http://www.mensnewsdaily.com/archive/g/gay/2005/gay032305.htm

Roger F. Gay, 03-**23-05**

The war against families to control family policy was made in the USA. Nowhere else has it had a more destructive effect on society and political and judicial institutions. But over the past decade, to varying degrees of success, it has spread to other countries throughout the world. Australians are now facing an all out blitzkrieg, a war of feminist propaganda with sinister intent.

If you want to destroy the foundation of any society, it is essential to weaken the role of fathers. This is not mere theory. During the 1980s and 1990s, the United States government, in collaboration with extremist political groups and a long line of profiteers, ran an intense anti-father propaganda campaign. Its purpose was to create a window of opportunity for building one of the largest and strangest government corruption schemes seen in the western world.

That scheme is now so entrenched and involves such mind-boggling amounts of public money, that even repeated exposure of grossly criminal activities has had little effect against it. We live with the certain knowledge that a large part of government, a part engaged in unrestricted tampering with our personal lives, is under the control of an organized criminal network. Human rights have weakened. There are points at which life is more like that of a third-world dictatorship than the US of A. Things have changed.

Australians have already experienced the working end of the corruption scheme in the form of child support and family law reforms. But by late 2003, there were clear signs that the public was not in the mood to tolerate family laws that made no sense in application. A political backlash pushed positive family law reform onto the national agenda. (see related article)

So now the demonization of fathers (men generally) has intensified -- with the help of government funding. The federally sponsered feminist organization, the Federal Office of the Status of Women, hired consulting firm Access Economics to write a report that grossly exaggerates domestic violence statistics and contradicting the bulk of serious international research on the subject, attempts to lend credibility to the old feminist line; all men are evil and all women are victims. (report links in related article Feminist bureaucrats use taxpayers' funds in propaganda campaign to demonise men)

Proposal for Gender Neutral Welfare in Sweden

http://www.mensnewsdaily.com/archive/g/gay/2004/gay031505.htm

Roger F. Gay, 03-15-05

Government support to divided households should be divided between mothers and fathers according to their level of care for children. This is a proposal from the Swedish National Insurance Office, which was given the task of making family welfare more gender neutral.

Today, single mothers are the official recipients of family welfare even when it is clear that money should be provided directly to fathers. Changes in the system of private child support contributions were previously made to equalize the role of mothers and fathers as parents, consistent with Sweden's legal presumption that both parents shall have joint custody rights. (See article.)

According to Swedish Television (SVT) Social Minister Berit Andnor thinks this idea, which was first proposed during the investigation that led to equalization of child support obligations, is a good one. Social departments are expected to prepare for a change in the law, which could take place around the end of this year.

Should Kerry Drop Out?

A Call for Real Political Change

http://www.mensnewsdaily.com/archive/g/gay/2004/gay110304.htm

Roger F. Gay, 11-03-04

At the time this article is being written, it appears mathematically certain that George W. Bush has won a second term as president. Republicans have declared victory. John Edwards has made a short televised appearance assuring at least one more day's wait before a Kerry concession; and vowing to keep their campaign promise that "every vote counts and all the votes will be counted." It is understood that armies of lawyers are waiting in the wings in case the Kerry camp chooses to repeat Al Gore's protracted yet failed attempt in 2000 to win in court what he failed to win in the election.

Should Kerry Drop Out? It has been just over seven months since publication of another article by this title. The first dealt with the very serious problem that Kerry's candidacy was not democratic. "He could tell us honestly that the Democrat's participation in the competition between the two partisan powers has nothing to do with democracy and walk away."

Polls have supported this – perhaps difficult to digest – point of view. Around 40 percent of those who voted for Kerry-Edwards admitted little to no interest in a Kerry presidency. Kerry was not offering voters choice on important policy issues nor did his candidacy stimulate the kind of broad, probing public discussion of policy that characterizes real democratic process. The core of the Kerry campaign message seemed to be: *Me not Bush!*, and the substance a rather confusing year of political wind surfing.

As a result, around 40 percent of Kerry voters admitted casting their votes against George Bush rather than for John Kerry. What a sorry state democracy is in when so many voters are not casting their votes for a candidate they believe in. And did they really listen to the bewildering arguments? The enemy in the War Against Terrorism has not been cooperative. Kerry would face a fanatic enemy bent on destroying the West through diplomacy. George Bush is not the choice of the people of France. Kerry would do more to keep the country safe and it would be cost free – no wouldn't – no would – no wouldn't. Doesn't matter – whatever you prefer to think – *Me not Bush!*.

The people of the United States are rightfully proud of their democratic history. This oldest existing democracy has been powerful enough to help develop and maintain democracy in other parts of the world. Ironically, we do not do enough to maintain our own. Our system is not formally designed to account for political parties. We vote for individual candidates. Yet obviously, our process is completely dominated by partisan politics. Its great weakness is that it is dominated by only two parties. The voices of other political parties would provide the broad, probing policy and ideological discussions that we really need.

It is equally obvious that little attention is paid to the so-called "third parties;" a term that accentuates the reality of our *de facto* "two party system." Ralph Nader got more media attention than any other "spoiler candidate." While focusing too much on the stock, shallow Internet chat-room phrases of the young and impressionable far-left, railing against the evil power of "corporate America," Nader did manage occasionally to hit an important nail directly on the head. We would benefit from changing to a proportional partisan system; one in which even small but significant support from voters would result in a small but significant number of seats in legislative bodies held by the party of their choice. This then would finally lead to real political inclusiveness and a more serious democratic process.

The two parties of course have developed stock defenses. I have been in debates where two-party defenders have confused the discussion with long complicated mathematical treatises on reapportionment – not the issue. When trapped into more serious debate, they claim that proportional representation produces political instability. In fact, the only political instability it has produced in most countries that use the system is in destabilizing political monopoly – an entirely positive effect that is essential to real democracy.

Italy is nearly always mentioned. The Italians use a proportional system and governments seem to change more quickly than your wife's shoes. But Italy has faced other serious political problems that are the cause of rapid power shifts. The ability to make changes democratically reduces the legitimacy of alternative forms of turf wars. It offers change through the ballot as the better alternative to the more violent and protracted process that has been faced by many Americans when the two parties have aligned themselves against various social groups – ethnic minorities being our most indelible example.

Perhaps the most offensive response in the two-party play book, is the insistence that limiting political choice through dramatically restricted participation of alternative parties is responsible for stability *rather than the Constitution, the Bill of Rights, and particularly the individual rights that are designed to limit the power of political parties to control our lives.*

The ineffectiveness of the Kerry-Edwards campaign to capture support in proportion to the votes it received is the strongest possible evidence that Americans want and need a wider range of choice. Along with choice will come the kind of policy and ideological debate that democracy needs to remain healthy. In order to create that choice in the United States, the people must wrestle control from the two parties. The alternative choice is to remain hypnotized by the two-party view that voting against the other guy is in some way as democratic as voting for someone who actually represents your views and ideals regarding the use of power.

A Further Look at Child Support Guidelines

Comment: Forum Section: PS: Political Science and Politics, October 2004, pp. 729-30

Roger F. Gay, 10-15-04

Jo Michelle Beld's article on child support guidelines defends the efforts of the Minnesota Child Support Enforcement Division to maintain the state's formula for determining child support award amounts (2003). She responds to long-standing criticism, in this instance conveyed by Stephen Baskerville, that the child support enforcement community, which has a financial interest in child support amounts, exercises unchecked authority through the forced use of guidelines, and that as a result, child support awards are arbitrarily high (2002,2003).

The evidence in support of the criticism is actually much more concrete than presented by Baskerville. That the enforcement system's guidelines were designed to increase child support award amounts is documented in their own work. Legal precedent on the use of their guidelines has established that support amounts are now arbitrarily manipulated by the states. I also believe that the political effect of child support reform has been more alarming than what he reports.

Beld admits that child support collection entrepreneur Robert Williams has had a significant influence on the development of guidelines (715–716). His original 1987 study explicitly states that his recommendations were intended to increase the average child support order by 250%. (ref) His justification for the increase was an alleged "adequacy gap" in the amounts that had been awarded under traditional law. But the argument is circular. Study of the original source of the claim (Haskins et al. 1985) reveals that the so-called adequacy gap is just the estimated difference between what had been awarded under traditional law and what would be ordered if child support awards were strictly determined by formulae of the type Robert Williams was suggesting. Far from proving that child support awards were less than they should have been, the source study made the radical political suggestion to raise award levels to improve the standard of living of single mothers; an idea that had always been considered illegal because spousal support and alimony can be awarded separately when appropriate and should never be awarded covertly.

Beld admits a fundamental problem in estimating the cost of raising children. About 90% of household expenditure is "expended on behalf of the whole family, rather than on behalf of individual family members" (716). This creates a wide range of choice in allocating family expenditure to children. Analysts can as easily manufacture a child cost estimate at 10% of custodial parent spending as 30% of the combined income of both parents. What is not mentioned in Beld's defense is that Robert Williams chose to use *intact* family spending estimates, which is itself a radical departure from the established child support law that relied on the actual economic circumstances of each family in post-divorce separated households. I also disagree with Beld's conclusion that the estimating method chosen, even in the context of intact families, did not "yield high estimates of parental spending on children" (716).

What must be classed as error rather than a difference of opinion is that the enforcement system's choices did not conform to established child support decision theory. Beld explains: "The empirical question at the heart of state child support guidelines is, 'What do parents spend on their children?'" (716). But their technical approach lacks a theoretical foundation that would put the empirical question in context. The choice of focus on indeterminate child cost calculations to the exclusion of sound theoretical development is itself strong evidence of a will to maintain arbitrary control. The new child support laws present a circular dilemma and a *fait accompli* for those who wish to present a logical challenge to presumed award levels. What is legally regarded as child support, the specific obligation of the paying parent, and the factors used to determine amounts are whatever the guidelines say. Parents are at the mercy of arbitrary economic choices made by bureaucrats and collection entrepreneurs who have a direct personal financial interest in generating higher levels of debt.

The effect of judicial acceptance of the enforcement system's choices has been dramatic. *P.O.P.S. v Gardner* (1993) was a federal class action suit against the State of Washington alleging that the arbitrary nature of their guidelines, which are also based on Robert Williams' recommendations, violate the Constitution. The group bringing the suit was composed of noncustodial parents whose families had never received public assistance and were unlikely to in the future. In support of the State, the 9th Circuit Court of Appeals accepted the classification of child support decisions as "social policy." This classification invites political control that is unconstitutional when applied to private issues. Had it not been for this transition, the application of constitutional principles would have forced correction of the guidelines (*Georgia DHR v. Sweat* 2002).

The legal reclassification of a private family issue sets a dangerous precedent that opens the door to further government tactics to manipulate families. In regard to child support decisions, the system of checks and balances, the constitutional protections against arbitrary government intrusion, have been destroyed. Baskerville has suggested that political scientists should focus attention on "the large governmental machinery that has arisen . . . to address family issues" (2002, 695). I certainly agree, and would put special emphasis on the dramatic shift in power between branches of government along with the need to restore basic family and other individual rights. Child support reform has led to a fundamental shift in the relationship between government and the primary social unit.

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Bush, Kerry Joined in Same-Sex Marriage Positions

http://www.mensnewsdaily.com/archive/g/gay/2004/gay101504.htm

Roger F. Gay, 10-15-04

Family creates society and provides for the survival of mankind. Family policy and law may define the character of a nation and its humanity at a more fundamental level than any other feature. It would be paradoxical then for the two major candidates for president, who each define themselves as the best choice to lead the nation, obfuscate in response to questions about marriage and family. But that is exactly what they did during Wednesday night's debate on domestic policy.

The moderator was not particularly helpful. The closest he came to asking about family policy was to question whether the candidates believe that homosexuality is a choice. Both candidates responded by summarizing their positions on same-sex marriage. A follow-up question dealt with the right of abortion under *Roe v. Wade*. President Bush addressed family support in summarizing tax relief. Although simplistic and counterproductive in some ways, at least it was a clearly stated position; married couples received more tax relief than generally needier divorced and never-married parents.

The most basic discussion on marriage and family policy took place in response to the question about homosexuality, but it was shallow and deceptive. Both candidates avoided confronting the radical and fundamental transformation that family policy has undergone that has forced the legal definitions of family and marriage into chaos and destabilized the institutions.

John Kerry, characteristically taking two opposing positions simultaneously, agrees with President Bush that "marriage is between a man and a woman" but refuses to attempt to reverse what is now regarded as the right of same-sex marriage. We "cannot discriminate," he claims. His basis for avoidance came in two parts; his ability to separate his private beliefs from public policy and the idea that marriage and family policy is within the domain of state control. Both reasons are designed to hide the truth and confuse the debate.

President Bush believes in the "sanctity of marriage" but claims that "activist judges are actually defining the definition of marriage." He seemed to strengthen his resolve when stating that he proposed a constitutional amendment that defines marriage as being exclusively between a man and a woman which has already been rejected by the Senate. Neither his soap-box support for traditional marriage nor the constitutional amendment ever addressed the fundamental problem. But at least in the narrow view, it appears that he has tried and now he is done.

What has happened to family?

In 1975, the federal government initiated what became a long and sustained invasion of family law. Federal territory expanded dramatically during the 1980s as control of family law shifted from states through funding requirements. The 1990s was a decade of refinement, in which more of the detail of family law statutes have been defined by federal regulation.

The federal government is not allowed constitutionally to regulate family law. The fact that it does so anyway indicates that something basic has been beaten out of whack. Greatly exacerbating the problem is that federal regulations have forced the creation of state statutes that treat family law questions arbitrarily. The federal government radically reformed more-or-less stable policies that were established under constitutional rule during the past two centuries.

If "activist judges" have played an important role, it was in supporting the shift from state to federal control of family law. Specific cases, decided well in advance of the Massachusetts decision on same-sex marriage, redefined marriage and family as public policy issues – so-called "social policy" – subject to direct political manipulation rather than leaving them in the area of private concerns that are constitutionally protected from unwarranted government intrusion.

The new right of same-sex couples to marry emerged directly from application of this new legal view. If marriage and family are merely collections of arbitrary benefits and entitlements invented by government policy, then denying access to any couple (or individual or group?) is unconstitutionally discriminatory. At the same time, discrimination against heterosexuals, most obvious in new child support and paternity laws, is rampant. The same "activist judges" have refused to uphold the individual rights of heterosexual parents (and heterosexual men generally).

And surely they know that!

Senator Kerry has been a player in the transformation of marriage and family. His voting record and legislation sponsorship has not been at all void of pandering to special interest groups interested in dramatically altering the family policy landscape.

Governor Bush (now president) faced questions from the Gore campaign in 2000 provoking his defense: that he had gone far enough implementing federal reforms in Texas and supported a drive to go much further.

Such obfuscation from the top candidates on such a fundamentally important issue may be a sure sign that neither Republicans nor Democrats are fit to lead the nation. It may be time to think much more seriously about supporting other parties.

Child Support Debate Heats Up

http://www.mensnewsdaily.com/archive/newswire/news2004/1004/100704-childsupport.htm

Roger F. Gay, 10-07-04

A comment published in the October issue of the American Political Science Association's "PS: Political Science and Politics" describes the argument against current child support guidelines as "concrete" and "alarming."

Guidelines are based on a model developed by the child support collection industry with the intent of arbitrarily increasing the average support order to 250 percent of what was deemed appropriate under established child support law. The increased debt and cash-flow resulting from increased award levels profits the government and private collection industry. Courts have upheld use of these guidelines by eliminating constitutional rights in favor of unchecked government power. As a result there has been a very disturbing and fundamental change in the relationship between family and government.

The comment, by child support researcher Roger F. Gay, follows debate in the same journal between Howard University political science professor Stephen Baskerville and Jo Michelle Beld, a St. Olaf College professor who served as a consultant on guidelines to the Child Support Enforcement Division of the Minnesota Department of Human Services.

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Protest Against Same-Sex Marriage in Sweden

http://www.mensnewsdaily.com/archive/newswire/news2004/0904/090904-sweden.htm

Roger F. Gay, 09-09-04

Swedish law recognizes same-sex partnerships and grants the right to same-sex partners to apply to adopt children. In April, the Swedish government announced plans to investigate the possibility of going one step further.

A proposal will be considered to create gender-neutral marriage law. Should same-sex couples be granted marriage rights, as in Massachusetts, eliminating the legal boundary between homosexual and heterosexual couples?

The decision to investigate same-sex marriage has led to a record number of unfavorable public comments made to the law subcommittee, nearly 40,000, and the number is growing.

According to the head of chancery, the protest is much more wide-spread and organized than when the partnership law and right to apply to adopt children were introduced. The subcommittee's vice chairman Marianne Carlström described same-sex marriage as a question that stirs up people's souls.

Congress Supports Deadbeat Dads and Loose Women

Illinois Paternity Decision Linked to Funding Scam

http://www.mensnewsdaily.com/archive/g/gay/2004/gay092904.htm

Roger F. Gay, 09-29-04

Last Thursday, the Illinois Supreme Court upheld a trial court's decision to dismiss a disestablishment of paternity case that was filed because a DNA test had proven that Romel Smith is not the father of Kendra Smith, daughter of Valerie Dawson. As reported in the court's opinion, a DNA test "showed a 0% chance that he was Kendra's biological father." Romel Smith was denied the opportunity to challenge paternity, remains the father of Kendra Smith in the eyes of the law, and must continue to pay child support.

The case illustrates how complicated these matters have become for the individuals involved and how reasonableness and common sense have been drained from family law. The pertinent Illinois statute, the court's decision, the trap that Romel Smith is in, and lack of acknowledgment and support from Kendra's real father ultimately rest on compliance with a federal statute for the purpose of obtaining federal funds. Federal statute offers funding to states that deny men the opportunity to challenge paternity if it is not done in a particular way, for particular reasons, within a strict and very short time limit.

Because of funding rules, the fact that paternity was wrongfully established cannot be pursued to its natural conclusion. This family and Romel Smith have not been allowed the opportunity to adjust their situation to reality. Instead, their conflict and its devastating consequences remain for the sake of the state's interest in feeding at the federal trough; a bizarre and unjust fate is forced upon them by rules that are entirely arbitrary and unreasonable.

The details of the case and the law are a bit complicated to be sure. There is a long route to discovering the link between the decision and federal funding. It is eventually spelled out in the latter half of the supreme court's decision. The trial court dismissed Romel Smith's petition for lack of legal ground. The state appellate court reversed the decision giving Romel Smith the right to proceed. The state supreme court reversed, agreeing with the trial court that Romel Smith's petition does not support a statutory right to challenge paternity.

The trial court relied on the provision of the Illinois Parentage Act that voluntary acknowledgment of paternity cannot be challenged after 60 days has passed from the time some further legal action (like establishment of a child support order) makes use of the paternity decision. It also relied on a provision that a voluntary acknowledgment may be challenged "only on the basis of fraud, duress, or material mistake of fact." Despite the matter of record that Romel did not suspect he was not the father until years after he had acknowledged paternity, the trial court concluded that he had neither met the 60 day requirement nor alleged fraud, duress, or material mistake of fact. If he were allowed to proceed due merely to the fact that he is not the father, it would according to the court, "render the acknowledgment provision of the statute meaningless."

To the contrary, the appellate court pointed out that according to Illinois law; "If, as a result of the deoxyribonucleic acid (DNA) tests, the plaintiff is determined not to be the father of the child, the adjudication of paternity and any orders regarding custody, visitation, and future payments of support may be vacated." The court opined that the language and intent of the statute is perfectly clear and rejected the trial court's view, saying that it said "would render the entire section entirely meaningless."

In response to issues raised by lawyers for the Department of Public Aid who opposed paternity disestablishment, questions on the meaning of words were taken up by the appellate court and further pursued by the supreme court. The supreme court engages in a rather mind-numbing discussion on the meaning of "adjudicating," "adjudication," "judgment," and "only." (It reminds one of the difficulty Bill Clinton had with the word "is.") Reading this part of the opinion is like watching a magic act. Attention is diverted to obtuse legal argument over the meaning of words, while the central conflict – the fact that Romel is not Kendra's father – disappears.

To resolve the conflict over the meaning of the statute based on its "plain language" the supreme court looked at legislative history to discern the intent of the state law. It is here that the link between the problem and federal statute is established.

In 1996, changes in Title IV-D of the Social Security Act restricted challenges to voluntary paternity to within 60 days of the time a child support order is established, and required that "a voluntary acknowledgment may be challenged in court only on the basis of fraud, duress, or material mistake of fact, with the burden of proof on the challenger." (42 U.S.C. §666(a)(5)(D)(ii-iii) (2000))

The Illinois legislature passed laws in 1997 and 1998 to bring the state into conformance with the federal funding requirements. The problem of unjust consequences had been placed before the legislature when Senator Beverly Fawell introduced legislation to partially combat the problem in limited cases. (Public Act 90-715)

"This is a bill that was brought to me by a constituent of mine who had a problem that didn't seem to be solved any other way. He was married, he went overseas, because he was in the Army. His wife had a child. Came back, his wife had announced she wanted a divorce. They got the divorce. He, of course, was ordered to pay child support, which he had no objection to. She moved to another State. He kept saying, I want to see my son, she would not allow him to see him until four years after the child was born. He then found out that this child was not his through a DNA test." 90th Ill. Gen Assem., Senate Proceedings, April 2, 1998, at 49 (statements of Senator Fawell).

Further, Senator Fawell stated that the legislation;

"allows a man who has been adjudicated the father of a child pursuant to *the presumption that he is the father due to the marriage, if there is-a DNA test* discovers that the man is not the natural father, then the orders involving custody, visitation and child support can be declared null and void." (Emphasis added.) 90th Ill. Gen. Assem., Senate Proceedings, April 1, 1998, at 10

"Notably," the supreme court points out, "in the debates of neither the House nor the Senate is there any mention of *the presumptions arising out of voluntary acknowledgments of paternity."* (emphasis added) "Moreover, there is nothing to indicate that the legislature sought to undo the sweeping and comprehensive changes it had made just one year previously to bring Illinois law into compliance with federal requirements."

The Outrage in Outrage

http://www.mensnewsdaily.com/archive/g/gay/2004/gay082004.htm

Roger F. Gay, 08-20-04

Professor Stephen Baskerville once again provides a cutting edge analysis of the changing political landscape of marriage and family. His comments in "A Primer Against Gay Marriage," (current issue of HumanEvents.org: Social Issues In the News) on Peter Sprigg's new book on same-sex marriage, *Outrage*, sets an otherwise rather superficial and reactionary political debate in a deeper and more realistic context.

Peter Sprigg, as Professor Baskerville points out, is Director of the Center for Marriage and Family Studies at the Family Research Council (FRC). Socially conservative groups like FRC tend to reflect partisan positions even when it requires contradicting fact and shooting themselves in the foot. Such is the case regarding the only error Professor Baskerville detected in the book; an aside on how "deadbeat dads abandon their kids."

Professor Baskerville describes the error as "an unnecessary concession that has been roundly refuted by recent research but one that extracts the marriage controversy from its larger context: government policy weakening parent-child bonds." These are crucial points. Removing analysis of policy from its policy context and relying on false information is not the road to serious scholarship – in fact it might be described as the anti-road.

Given that the error is merely an aside in what Professor Baskerville describes as "a concise, clear, and readable book that provides an excellent introduction to where we now stand on perhaps the most emotional issue on the national agenda," this may seem a quantitatively minor problem. In fact however, this anti-father political positioning blocks the possibility of serious scholarship in the area of family policy studies; in effect, making a joke of the Family Research Council's "family research."

In promoting an anti-father view, FRC promotes the entire policy and debate context that comes with it. Anti-father propaganda is categorically anti-heterosexual family propaganda, originating in feminist-homosexual lobbying campaigns. Its eventual effect, after having been adopted as platform positions by both parties and transformed into dramatically altered family policy, was to deliver a lethal injection to marriage as we knew it, which led directly to the proclamations of legitimacy for same-sex marriage. This puts FRC in the untenable position of defending both sides of the issue simultaneously; yielding superficial and reactionary political debate rather than sustainable scholarly argument.

It was the design of anti-father policy and its acceptance by the courts that changed the legal status of marriage and family from its previously recognized status as a crucial and protected fundamental social arrangement to mere "social policy." The latter defines marriage and family as an arbitrary arrangement that derives its "legitimacy" (in every sense) solely due to its recognition by the state.

Concern that the new "right" for same-sex marriage signals the possibility of new "rights" for a much greater variety of "marriage" arrangements is well-founded. The view that legitimizing same-sex marriage is the cause of the problem rather than a convulsion brought about by the lethal injection of anti-father policy is quite wrong. Given the dramatic transformation of the legal status of marriage and family that preceded same-sex marriage, judges ruling on constitutional grounds had little choice but to act as what some describe as "activists."

The plain and simple truth is that you can't defend family while waging war against fathers. This obvious, fundamental truth is reflected in constitutional decisions. One set of rules applies if family is a self-defined critical element of social structure, in which case fathers and families are protected from arbitrary manipulation by the state. Another set of rules applies if family is an arbitrary result of social and economic policy decisions like the details of welfare entitlements and tax tables. By supporting anti-father policy, FRC supports the latter view, directly contradicting its rather superficial stance in defense of marriage (as we knew it).

Professor Baskerville points out that "some who agree with Sprigg's position oppose his proffered solution, the Federal Marriage Amendment to the Constitution, which Congress recently rejected." I am already on public record, most recently in "Same-Sex Marriage Positions Untenable" (MensNewsDaily.com, July 15, 2004) as opposing the amendment. The resurrection of marriage, as we knew it, can only occur by flushing the system of the poison that is causing its death; that is, by reversing anti-father policy and restoring the legal status of marriage and family.

The price FRC must pay for a tenable pro-marriage position, is the abandonment of anti-father propaganda and support of anti-father policy. In the short term, this means choosing between partisan support for the Republican administration's anti-father policy positions and entering the deeper policy debate honestly. (Serious research does in fact refute the anti-father political position.) It's a difficult choice, but I do not see how FRC can maintain a credible image as a pro-marriage research organization while holding superficial, reactionary, and self-contradictory positions on the status and definition of marriage and family.

Women Claim to Control Election – Again

http://www.mensnewsdaily.com/archive/g/gay/2004/gay071604.htm

Roger F. Gay, 07-16-04

A modern presidential election season would not be complete without the claim that women – not men – decide elections. Claims made earlier this year were brushed off by analysts who noted mass movements of men, especially away from the Democratic Party, and the absence of driving feminist issues. NASCAR dads almost replaced soccer moms but didn't quite represent the most seriously disenfranchised bloc of eligible male voters. This sort of miss – lack of attention and understanding of men's issues – may explain why the benefit to Republicans has been short-lived.

Swanee Hunt of the leftist political pressure group Women & Public Policy Program and Democrat pollster Celinda Lake ganged up on Fox News Wednesday in an attempt to renew the urban myth. Surveys show the race for the presidency is close. Candidates need to attract undecided voters. It follows that if the larger number of undecided voters are female, a candidate who panders to women will have an advantage.

Through a short maze of statistical reasoning, the two conjured up the vision that the election will be decided by – wait for it – single mothers. First claiming single women generally as the target (there are more single women than single mothers) a different picture emerged as they listed top political priorities that mostly involved increases in entitlements related to children. They then claimed 70 percent of undecided voters are women and one third of single women under 45 years of age are mothers. To top it off, they said 61 percent of eligible women voters voted in 2000. So there! Single mothers will decide the election.

The math doesn't work out, even if the numbers are correct, and they muffed the task of feigning impartiality. The short list of priorities the two claimed for "undecided women" includes a demand that President Bush apologize for the Iraq War. Uh – ladies – I think that group has already made up their collective mind. It might do the Democrats more harm than good to characterize John-John Kerry-Edwards as undecided women. But I don't know. Maybe they do have some kind of point there. Those two can't seem to make up their minds either.

Same-Sex Marriage Positions Untenable

http://www.mensnewsdaily.com/archive/g/gay/2004/gay071504.htm

Roger F. Gay, 07-15-04

The debate over a constitutional amendment that would limit marriage to opposite-sex couples is shaping up as expected. Such an amendment is supported by Republicans and President Bush. John Kerry and John Edwards favor civil unions for same-sex couples but insist that marriage and family issues should be left to the states.

The Kerry-Edwards position suffers an obvious flaw. With state courts, such as the supreme court of Massachusetts, finding prohibitions against same-sex marriage unconstitutional, state legislatures are left without the power to limit who can get married to who. Congress, which is additionally handicapped by lacking constitutional authority to regulate marriage and family issues, is also not in a tenable position to overturn constitutional rulings by legislating marriage restrictions. This was the problem that led to calls for a constitutional amendment to begin with.

The flaw in the Republican proposal is a bit more complicated. A quarter century ago it would have been understood that marriage and family law are state issues and that even the states' role in regulating and manipulating marriage and family was a limited one. Marriage and family issues were more importantly legally classified as private issues that are so fundamentally important to individuals and society that they deserved protection from government intrusion.

Over the past two decades, Congress has carved out an ever more intrusive federal role that changed the relationship between individuals, their families, and the government. Federal family law reforms, beginning with child support, are now backed with more than $10 billion per year in federal funding. Constitutionally, states are not obligated to comply, but the federal government enforces the reforms by withholding funds from states that do not cooperate.

By the time the Massachusetts decision was handed down, marriage and family had already been redefined as "social policy," a classification reserved for entitlements in government programs that are not subject to normal individual rights claims. This reclassification was essential to the continuation of federal involvement, and therefore the funding that was included. Because the classification eliminates enforcement of individual rights, it blocked the efforts of parents to defend themselves in court against arbitrary government intrusion and manipulation of family related issues. Thus, in concrete effect, they were unable to defend against the substantive redefinition of marriage.

In issues of social policy, individual rights analysis is not generally applied. Courts may however instate constitutional rights where the people bringing the constitutional challenge are regarded as belonging to a suspect class. Because of the resulting differences in rights assigned to groups, this type of ruling sometimes leads to what is known as "reverse discrimination."

Like a house of cards; the Massachusetts decision relied on the position that marriage is merely a policy defined by government. In that context, it saw the limitation to opposite-sex couples as an arbitrary political choice, discriminating against same-sex couples that it characterized as otherwise equal in nature and possibly better as parents. As difficult as it is for many people to swallow this position today, it would have been impossible for a court to make such a decision just a decade or two ago. Aside from the fundamental legal change described above, the interim period has seen massive propaganda attacks against fathers and traditional families – designed to promote federal family reform – that built confidence in the acceptability of arbitrary manipulation of family policy.

Federal courts, and the United States Supreme Court in particular, have been reluctant to overturn state court rulings in domestic relations issues because constitutionally they are states' issues. They refused to hear a key case attempting to preserve family rights shortly before the Massachusetts same-sex ruling appeared.

States on the other hand are complying with federal statutes and regulations in order to secure funding. So we have an odd situation where the branches of government are not in sync. Congress has freely manipulated marriage and family but the federal judicial branch has not provided the necessary defense against arbitrary government intrusion.

A constitutional amendment "defining marriage" as between a man and a woman would also formally redefine this one attribute of marriage as a federal issue, thus making clear a very limited role for oversight by federal courts. But it would not address the issues that created the current dilemma. Not protecting other vital aspects of marriage and family could easily lead to an even more confusing shell game over powers and the protection of rights, hit-and-miss instances of judicial activism, and a constantly changing status for families.

The uncertain political environment in which families must survive these days is appalling. Every time someone in a special interest group provides what seems to be a PC suggestion for more federal spending, the relationship between family and the government, and therefore the character of family and marriage changes again. The Republicans' promotion of marriage initiatives and other tamperings follow that pattern.

Had the federal government respected the constitution and limited its impact on family law, there would be no need for any constitutional amendment. Had the U.S. Supreme Court acted to keep the federal government within its constitutionally allowed areas of jurisdiction and defended family rights, we would not need a constitutional amendment. Now that we do need a constitutional amendment; one that defines who can get married is only a superficial treatment of what has become the most apparent symptom of federal manipulation of family law. The real solution to the problem lies at a more fundamental level.

We need a family rights amendment that would explicitly define family issues as private issues and would explicitly forbid Congress from interfering. This would eliminate the political manipulation of marriage and family by the federal government and at the same time establish the role of the U.S. Supreme Court in defending individual rights in relation to family issues. Such an act would restore the careful balance between government power and family rights that developed over many generations and strengthen the defense of marriage and family for future generations.

Tories Back Fathers' Rights

http://www.mensnewsdaily.com/archive/newswire/news2004/0704/newswire071204-tories-family-law.htm

Roger F. Gay, MND NEWSWIRE**, 07-12-04**

British Tory leader Michael Howard is to call for a change in the law which would give parents equal access to their children when relationships break down, according to the BBC. At a summit on custody battles today, Howard is expected to say that "the best parent is both parents," a familiar phrase coined as the title of a book by Children's Rights Council President David Levy.

It is thought that ministers are considering changes in law that would give divorced fathers a better deal on custody and access. The Tory summit will consider the idea of shared parenting or equal access rights - a norm in many countries. .

In the early 1990s, left-wing shadow cabinet ministers complained about government handling of domestic relations issues under John Major. In particular, child support reform was seen as demonstrating inept handling of social issues by the conservative government. There was a direct logical step to Tony Blair's simple but powerful message that governments must do what is right that helped sweep his Labour Party into power. .

But once in power, the Labour government was not active in dealing with key problems in domestic relations reform - which are now commonly known as fathers' rights issues. Although initially innovative, and making efforts to humanize some aspects of the bureaucratic welfare system, the overall intellectual plan stuck too closely with designs by the international family law reform movement that created the fathers' rights (counter-) movement to begin with. .

Recent campaigns by Fathers 4 Justice, that included the bombardment of Tony Blair with flour-filled condoms while he spoke to Parliament, focused greater attention on domestic relations issues, particularly the difficulty of maintaining healthy, ongoing relationships between fathers and children after courts have designated mothers as sole guardians. Surveys have shown strong public support for the campaign. .

Skeptics Win EU Election

http://www.mensnewsdaily.com/archive/g/gay/2004/gay061404.htm

Roger F. Gay, 06-14-04

This weekend, voters in the European Union made it more difficult to spin their sentiment into an Iraq War protest. Parties skeptical of the proposed constitution won seats in the European Parliament over the parties that support it, reducing the number of MPs from established parties. If Iraq was the major question, the punishment dealt to Gerhard Shroeder's and Jacques Chirac's parties signaled European support for George Bush.

In England, where Tony Blair's Labor Party lost ground and the BBC has constantly interpreted everything as a protest against Iraq policy, the big winner was the UK Independent Party (UKIP) whose primary concern is defeat of the proposed EU constitution; this despite Tony Blair's last minute acquiescence to allow a public referendum on the constitution. New UKIP MP Robert Kilroy-Silk commented that the results showed that people "wanted their country back." The opposition conservative party's shadow foreign minister Michael Ancram said voters sent a clear message they do not want Tony Blair to sign the constitution. In Ireland, anti-EU party Sinn Fein advanced despite its other issues.

In the Czech Republic, a right wing opposition party of EU skeptics took about 30 percent of Czech votes, more than any other party. In Latvia, a small nationalist party, Fosterland, won with about the same percent. In Austria, EU's "enemy number one" Jörg Haider's right wing party saw significant gains. In Poland, voters made space for a diversity of nationalists, liberals, and social democrats with interest in helping to build better local government infrastructure. Exceptions to the victory of EU skeptics were noted in Spain and Greece, which each receive huge subsidies from the EU.

Even in Sweden, where individual candidates from a number of parties declared themselves EU skeptics against their official party lines, a new party, Junilistan, whose candidates want to stop the proposed constitution captured three times the portion of votes projected. Junilistan's co-founder and top candidate Nils Lundgren said his party represents the future of Europe. Aftonbladet, a national newspaper supportive of the ruling Social Democratic Labor Party, saw the result as a catastrophe due to "the [Social Democratic] party's hopeless EU strategy."

The debates in Sweden leading up to the election were not particularly helpful, which may explain a relatively low voter turnout; 37 percent compared to 44.6 percent in Europe overall. Typical of the character of debate, Social Democrats argued that the election was a classic battle between left and right. It was difficult not to be reminded that the Social Democratic Party has been the largest party in Sweden. In a typical left-right battle, such as characterizes local elections, the Social Democrats would expect to be equally successful. But the issues are not typical. Even more obvious spin came from the Environmental Party, whose representative symbolically threw a copy of the proposed constitution into a trash can during the debate. When it came to environmental issues however, he was helped by an opposing candidate to express his belief that the EU needed the power to force every one of its member states to follow their proposed common environmental policy.

Several countries have already promised to submit the proposed constitution to public referendum, and other countries are considering a referendum due to strong public pressure. The message voters are sending is not merely that they expect the right to participate in such a momentous political decision, but that the proposed constitution, designed of, by, and for European bureaucrats, is not for them.

In commentary following the election, losing parties complained that voters do not understand the work of the European Union and its importance, indicating that there needs to be a continued pro-EU propaganda campaign to educate them. But voters have been sending the same message again and again and it doesn't look like they'll mind if the door hits the backsides of a few stubborn politicians on their way out.

Ronald Reagan's Mistake

http://www.mensnewsdaily.com/archive/g/gay/2004/gay061304.htm

Roger F. Gay, 06-13-04

I cannot stop people from calling me conservative, but can easily argue about what being conservative means. A particularly difficult part of the argument arises when I encounter the hero worship of President Ronald Reagan. The eulogizing this past week reminded me of his great accomplishments, his ability to stand courageously for American ideals, and his talent for selling ideas. It has also helped me come to terms with the man whose mistakes were as large as his successes.

Why should I make such a fuss a few days after the burial of an admirable man? In my opinion, not to do so carries the potential to destroy his reputation as a great American. I do not believe that Ronald Reagan will rest well while we suffer from his misjudgments.

My cynical side has for years suggested to me that politicians today attempt to emulate the success of the popular man who won elections. In their fervor to adopt the Reagan formula, they never admit that anything he was involved in was ever wrong. Their unwillingness to look objectively at a hero's legacy commits us not only to carrying on the good work, but also to expand and amplify error that can damage the very culture of freedom and justice that the man sought to defend.

Welfare reform of the Reagan era, no matter how well-intentioned, was such an error. It is one that I cannot reconcile with conservative or any genuine American values. Under Reagan, the reach of the welfare program expanded beyond its means-tested boundaries to include families without regard to economic status and was transformed from a helping hand to a corrupt, over-controlling police organization that exercises unchecked power that far exceeds that of the IRS.

Under the weight of the huge expanded program and its billions in additional annual funding, the system of checks and balances has collapsed and basic human rights have been eliminated. Millions of ordinary people have been labeled social criminals and a significant number of them have been jailed for not living up to arbitrary standards and for not reaching sometimes unobtainable goals. In at least one case, a man was beaten to death by guards while imprisoned, not because he posed a mortal threat, but because of what the program's propaganda machine had labeled him – a "deadbeat dad." Brian Armstrong of Milford, New Hampshire lost his job. He was jailed without trial in January 2000 for missing a hearing. One week later he was dead.

It may be difficult to see how I can make peace with a man whose policies had such an effect. I do not have good reason to believe that Ronald Reagan foresaw the eventual violent and destructive results that would eventually be achieved due to his overwhelming support for this program in its early days.

It is possible to genuinely appreciate a man who failed so miserably in a particular effort. The moment of forgiveness for me came through a comment from a man who studied and wrote about Ronald Reagan's life. He said, Ronald Reagan "represented the best of American values. He believed that problems can be solved." Ronald Reagan saw the misery of the problem of poverty and took large, courageous steps in an attempt to solve it. It was an experiment that failed, both in the alleviation of poverty and in maintaining the careful balance between public and private interests, freedom and the exercise of government power.

The err is human and we can allow Ronald Reagan this mistake. It can be said that a man who never fails at anything is a man who does not try. If Ronald Reagan had not had the courage to take bold steps in an attempt to solve problems, the Berlin Wall might still be standing today. The United States might be a much weaker country. We might not at all be in an era of a new world order in which democracy is expanding rapidly and nations once at war are uniting in peaceful coexistence.

The challenge for politicians today, both those who admired Ronald Reagan as well as those who merely seek to capitalize on his personal success, is not simply to continue to expand his policies without objective review. It is to continue in the spirit of his life. Problems can be solved. But first, the courage must be shown to admit that a problem exists even when it is part of the legacy of an admirable man. Once the myth of infallibility has been put to rest, we can begin eulogizing a true man who made heroic efforts and accomplished great things.

Fathers 4 Justice Stuns Tony Blair in Condom Pelting

http://www.mensnewsdaily.com/archive/g/gay/2004/gay052004.htm

Roger F. Gay, 05-20-04

Members of the fathers' rights group Fathers 4 Justice stunned the United Kingdom Wednesday by pelting Tony Blair with condoms filled with colored flour while he spoke at the House of Commons. Fathers 4 Justice fights primarily for greater contact between fathers and children following parents' separations and divorce but holds interest in a broader range of institutionalized injustices against divorced fathers and children. Their attack prompted the immediate suspension of the session and was reported by television and newspaper journalists throughout the world.

The group has previously attracted attention with Batman and Robin on a courthouse rooftop, Spiderman on a crane near the Tower of London, small groups interfering randomly with London traffic, large-scale marches, Santas singing carols into courts, and by holding government workers hostage with toy pistols. The symbolism of each demonstration should be increasingly obvious to those who pay attention.

A major event in the life of the rapidly-growing organization came last year when "serious failings" were recognized in the operation of the Child and Family Advisory and Support Service, an agency set up in 2002 ostensibly "to protect and advise on the rights of children during court proceedings." Following a report, the Lord Chancellor asked the entire board to resign.

The countries of the United Kingdom were among those that followed the United States in reforming family law in recent decades based on the old Soviet model of family policy. The model was introduced in the United States by Irwin Garfinkel, a professor of Social Work at Columbia University and former head of the Wisconsin Institute for Research on Poverty, with the goals of increasing uniformity in the outcomes of child support cases and making administrative procedures more efficient. His reform proposals followed on the heals of similar recommendations made by a social scientist in Norway.

The heart of the reforms has been a significant shift from the common law practice of dealing with facts and rational choices in individual cases, sometimes allowing parents to decide how to resolve problems on their own, to a system of *en masse* decisions made at policy level. The goal of the latter type of decision is to hit arbitrary statistical targets that may look good to central planners, something that is rarely accomplished, and for the sake of efficiency to reduce as far as possible concern for individual circumstances.

What should be obvious from the international growth of fathers' rights organizations is that "efficiency" is defined primarily by the elimination of the rights of fathers from the policy equation. The first-hand experience of protesters is that the new system rolls some heavy rocks down their hill while they individually fight what is often already a strenuous up-hill battle to remain involved in the lives of their children.

There is wide agreement in social science literature, and even among many politicians today, that dealing a parent out of a child's life is generally a very bad thing. Lack of a father's involvement has been associated with children's emotional problems that extend into adult life, violent crime, drug and alcohol abuse, truancy, teen pregnancy, suicide, and poor school performance. It may seem a strange dichotomy that government agencies act systematically against fathers.

Aside from the analysis of family policy issues presented so often at *MensNewsDaily.com*, the mystery is finally being unraveled in political science literature. In *The Politics of Fatherhood*, Professor Stephen Baskerville of Howard University presents an analysis showing that those involved in family policy and implementation have a financial stake in having children separated from fathers.

The case may be more easily made in review of the system the United States but must have relevance in every country that followed in making similar family law reforms. The shift away from the exercise of common law principles in deciding family law cases allows centralized decision makers to arbitrarily manipulate outcomes to achieve any objective they have in mind, regardless of the effect on human rights and society. This opens the door to corruption, whether intended or not, and the unavoidable destruction of bureaucratic invasion into personal life that common law principles were designed to repel.

Shortly after the demonstration in the House of Commons, a BBC correspondent answering questions on CNN, explained that whether or not the attention gained by Fathers 4 Justice plays to their benefit depends on the follow-up discussion. The reactions by journalists have been mixed. Some have reported on Fathers 4 Justice and their issues. Others have focused on the security problem in the House of Commons. The demonstrators were allowed into a special unprotected gallery at the invitation of a member of the House of Lords. Had Lady Golding invited foreign terrorists into the gallery instead of fathers, the purple powder might have been something other than flour, and something really bad might have happened.

There are occasional flippant commentaries. A portion of an opinion by Barry Collins published in Wednesday's edition of the *Mail Online* entitled "These fathers are an affront to justice" reads; "No one is listening to their entirely reasonable case for equal access to children for fathers. Instead they roll their eyes and wonder how such a worthwhile cause is being hijacked by a bunch of publicity-seeking primadonnas." Never mind?

Being an American, the product of a culture that is separated from England by an ocean and a common language, I have to ask respectfully about an article that attacks people who have "a perfectly reasonable case" and characterizes the battle for "a worthwhile cause" as a hijacking "by a bunch of publicity-seeking primadonnas." Is that what the Brits call *irony*?

That they have a reasonable case is undeniable, even by the most fanatic opponents of fathers' rights. It seems to me that any intelligent, objective observer would find it completely obvious that ignoring the problem is exactly what led to the Fathers 4 Justice demonstrations. So obvious in fact, that such a view could accidentally appear even in opposition to the group's activities. That's what led to the creation of the group in the first place. If what Fathers 4 Justice has done so far does not focus attention on family policy in the right way, what will?

If you plan to wait until the whole thing blows over, becomes yesterday's news, for real fathers to wise up and conclude that the Prime Minister's question time or London traffic is more important than their children, for the men to turn away because the task is hard, I suspect you'll be waiting a very long time. These men are not for turning.

Child Support Policy and the Welfare of Women and Children

http://mensnewsdaily.com/archive/g/gay/2004/gay051204.htm

Roger F. Gay, 05-12-04

Brief History of Prevailing Child Support Doctrine is republished here from the Proceedings of the Sixth Annual Conference of the National Council for Children's Rights (now Children's Rights Council) Arlington, VA, March 19-22, 1992. It is an interesting flashback, showing that there was never a case for the child support reforms that we live with today. Arguments against the policy have been with us for a long time. A BRIEF HISTORY OF PREVAILING CHILD SUPPORT DOCTRINE By Roger Gay, Independent Research Consultant

CHILD SUPPORT POLICY AND THE WELFARE OF WOMEN AND CHILDREN

In the 1980s, there was a public perception that, to a great extent, poverty in the United States had been created by the high divorce rate. This incredible but persistent view, which sprang from what has become known as the political "feminization of poverty" has been discredited (Abraham, 1989), but has not been liberated from the frame of government policy. Major welfare reforms of the 80s moved into the realm of private marital contracts with child support policy that assumes father no longer has contact with his children. Increases in private support levels resulting from federally mandated, presumptive state child support formulas have benefited upper and middle income mothers.

In the 1980s, poverty reached a cross-section of American families regardless of marital status. The chief causes were a decline in wages, especially for young workers, declining effectiveness of government poverty programs, and changes in the job market (Johnson, et al., 1991). The U.S. Bureau of the Census (Current Population Reports), reported that the nations poverty rate was 14 percent in 1985. In that same year, 905,000 women with valid support orders, about 0.4 percent of the population, were living below the poverty line (Solomon, 1989). Including children, the poverty rate associated with valid support orders was approximately 1 percent.

In 1985, 7.8 million women were eligible for private child support. Of those, 23 percent were living below the poverty threshold. The 905,000 women with valid support orders living below the poverty threshold represent 11.6 percent of the number of women eligible; only about half those that were living below the poverty threshold. This pre-reform figure is remarkable given the higher rate of divorce among the 20% of American families with the lowest income and the financial havoc that results from divorce.

The most prevalent reported cause of non-payment of court ordered child support is unemployment (Young, 1975; Chambers, 1979; Wallerstein & Huntington, 1983; Pearson & Thoennes, 1986; Sonenstein & Calhoun, 1988; Braver, et al., 1988). Braver, Fitzpatrick, and Bay showed that between 80 and 100 percent of due child support was paid voluntarily by divorced fathers who are fully employed.

Envisioned to reduce spending, the Child Support Enforcement Program suffered a net loss to the taxpayer of at least $186 million in FY 1990. The program has lost money for at least two consecutive years. The federal program deficit was at least $526 million (OCSE, 1990). Support enforcement administration (extending all the way to the local district attorney's office and officials of family or domestic relations courts) has benefited from federal tax transfers under the IV-D program (OCSE, 1990). In 1990, Dick Darman, Director of the Office of Management and Budget, reported to Congress that there had been similar accounting problems in both the AFDC and Foster Care (FC) programs (referring to GAO reports).

Single female headed households have a poverty rate more than twice that of the general population. Between 1960 and 1988, the number of births to unwed mothers doubled. In the mid-80s, Garfinkel and McLanahan reported that; "National data on child support awards indicate that only about 60 percent of the children who live with their mothers and are potentially eligible for child support receive an award at all." In addition, they pointed out that; "most noncustodial parents of AFDC [Aid to Families with Dependent Children] children do not earn enough to pay as much child support as their children are already receiving in AFDC benefits. ... even the best imaginable program would still leave a large proportion of the AFDC caseload poor and dependent on government." If enforcement measures do not improve collections, Additional government costs for experimental programs will run into billions of dollars. (Garfinkel and McLanahan, 1986)

POLITICS

"Congress does not have general authority to pass or enact laws dealing with family law issues, unless there is a connection or 'nexus' between such legislation and one of the areas in which it is authorized to act." (Solomon, 1989) In 1974, Senator Russell Long perceived a connection between "fathers who abandon their children" and a growth in AFDC spending. This led to the original federal child support and paternity legislation enacted in January 1975, as Title IV, Part D of the Social Security Act. Child support enforcement services are required for families receiving assistance under AFDC, FC, and Medicaid programs.

Emphasis shifted in the 80s. Assistance in the establishment of paternity, a prime motivation in 1974, was absent from The Child Support Enforcement Amendments of 1984. A token commitment appeared in the Family Support Act of 1988. A new requirement, with no apparent relationship to enforcement, appeared in the 1984 legislation; that each state establish state-wide child support guidelines to be used as advisory tools. The legislation received support from NOW Legal Defense Fund, National Women's Law Center, American Public Welfare Association, National Council of State Child Support Enforcement Administrators, and the National Governor's Association. Representative Kennely, sponsor of the 1984 Amendments, remarked during the House debate that the reason traditionalists and feminists could support the bill was because both groups agreed that parents should take responsibility for their children seriously.

When President Reagan signed the 1984 Amendments he called it, "legislation that will give children the helping hand they need." Four years later, when signing the Family Support Act of 1988, he said the legislation represents;

...the culmination of more than 2 years of effort and responds to the call in my 1986 State of the Union Message for real welfare reform-- reform that will lead to lasting emancipation from welfare dependency. ...first, the legislation improves our system for securing support from absent parents...

The 1988 reform extended the presumptive application of child support guidelines to all child support decisions. State commissions however, did not accept the new federal role without question. In commentary associated with the August 31, 1989 adoption of the Indiana Judicial Administration Committee's child support rules and guidelines, the Committee questioned whether application of presumptive guidelines is required in non-AFDC cases. The federal Office of Child Support Enforcement (OCSE) recommended application to all cases involving child support. The committee stated;

It is the Committee's recommendation that the position of the Child Support Enforcement Division of the Department of Health and Human Services, be adopted as the failure to do so, will undoubtedly result in litigation and/or sanctions. (page v.)

There has not been wide-spread satisfaction with presumptive guidelines for child support. Washington State, a prime developer of the Income Shares method, provides a well documented sampling of the problems of child support guideline design. Study of the Income Shares technology revealed it is not appropriate for presumptive use (Hewitt, 1982). A recent study showed essentially no cases in which rebuttal has been successful (Stirling, 1991). A survey of state judges shows wide-spread dissatisfaction with the guidelines (WSASCJ, 1991).

Working at the Wisconsin Institute for Research on Poverty, Irwin Garfinkel outlined a plan for non-means tested welfare (Garfinkel, 1979). Garfinkel's experiment was first implemented in Wisconsin, and eventually found its way onto the federal agenda (Margolis, 1987). According to Garfinkel, the "tax" placed on welfare recipients by reducing government payments as their incomes from private sources rise, is more burdensome and less socially beneficial than taxing earned income. Seeing the reduction in government subsidy as a disincentive to work, he reasoned that welfare payments should not be related to financial need. (This is the basic definition of "non-means tested" welfare.)

As Garfinkel himself admitted; if everyone in the nation received maximum welfare payments regardless of income, there would be no-one left to pay for them. He imagined solving this problem by dramatically modifying his own basic proposal. He proposed a special "tax" on all non-custodial parents, with all custodial parents as the exclusive non- means tested beneficiaries. Applied to all families, this is not a government welfare program reform, but a proposal for divorce reform similar to Weitzman's widely publicized proposal on alimony stated in her popular book, The Divorce Revolution.

According to Weitzman, the vast majority of divorced women are entitled to a large share of their ex-husband's future income for life in order to maintain their independent standard of living at the level they would have enjoyed if they had remained married. She also hypothesized that men become wealthy as a result of divorce. Weitzman's thesis and data have been widely criticized by economists and experts on the subject of divorce (e.g. Abraham, 1989; Braver, 1988; Lazear and Michael; 1988; and Haskins,1985).

Courts have long since recognized that such extreme ideas did not fit the equity principles which considered the needs of children and the relative ability of parents to pay (Smith v. Smith). Garfinkel and Melli (1990) later raised the question of established child support doctrine in a paper comparing Percentage-of-Income schedules with Income-Shares, but left it to others to formulate a specific proposal.

Garfinkel and Ollerich postulated that divorce reform could reduce the "poverty gap" -- the difference between the incomes of poor families headed by single mothers and the amount of money they would need to move above the poverty level -- by 27 percent (Garfinkel and Ollerich, 1983). In order to achieve this end, private child support transfers would need to be increased, but in addition, all eligible custodial parents would have to have a valid child support order, and all non- custodial parents would need to be fully employed. Without increasing support award amounts, the latter conditions would have an enormous impact on poverty reduction for single mothers. In reality, changes have only increased support payments from those who are employed and pay. Under the reforms, those that do pay, pay extra; having no impact on children not covered by valid support orders.

A CHILD SUPPORT REVOLUTION

Under the 1984 Amendments, the U.S. Department of Health and Human Services was responsible for providing "technical assistance" to states for development of child support guidelines. Direct responsibility was passed to OCSE, and on to Robert G. Williams of Policy Studies, Inc. in Denver, Colorado (Williams, 1987). The OCSE also reviews and approves state plans and evaluates state programs to ensure that they conform to federal requirements and conducts audits to verify that states are in compliance with federal standards.

To understand Williams' recommendations we must first comment on an OCSE report authored by Ron Haskins on estimating "National Child Support Collections Potential" (Haskins et al., 1985). To make estimates as high as possible (as the title of the study suggests), Haskins ignored direct involvement, and thus direct financial contributions during that involvement, between non-custodial parents and their children. Haskins estimated that child support awards would jump from about $10 billion to $26.6 billion nationwide, based on a model that assumed all fathers belonged to Senator Long's group of deserters.

As with the Garfinkel and Weitzman proposals, non-custodial parents were treated as a disenfranchised funding source. What can and has confused legislators, litigators, judges, and child support commission members is the way in which Haskins' information was represented. Rather than acknowledging that his proposal represented an unestablished child support doctrine, Williams presented the difference between Haskins' hypothetical maximum and existing awards as an "adequacy gap" in awards, which had been decided on the basis of established legal principle.

The resulting confusion has led many states to treat similarly derived upper limits as minimum support levels, forcing much higher awards to middle and upper income custodial mothers. As further example; several states actually increase the so-called "basic support obligation" (increasing the payment) directly countering credit for the non- custodial parent's time with children in situations where it is considered. Typically applied to joint or shared custody arrangements, Williams offers the curious explanation that payment to an ex-spouse should be increased to account for the payor's direct expenses for maintaining the "second" household.

A member of the OCSE advisory panel, which lent credibility to Williams' report, later commented that Williams' approach did not correspond to the objectives proposed by the panel (Krause, 1989). Krause raised questions about the public interest and limits on private responsibility. The existence of this problem underscores the need for a more formal approach to test postulated relationships between numeric results (implementation) and policy choices.

YET ANOTHER STUDY OF THE CES

The Family Support Act (section 128) called for a study of expenditures on children. Lewin/ICF wrote the final report (Lewin/ICF, 1990). The report discusses estimates, based on the Consumer Expenditure Survey data base (CES), sub-contracted by the Wisconsin Institute for Research on Poverty (Betson, 1990). At the time of publication, the Lewin authors could not explain why Betson's estimates were consistently higher than more established estimates; for example, estimates of expenditures on children by Lazear and Michael (1988) using a "Rothbarth" approach and Espenshade's (1984) economic cost of children estimates using an "Engel" approach. Using alternative formulae, Betson presents a low-end estimate for the intact family cost of one child in a Rothbarth-Engel range of 25% (of total family expenditures) compared to an established high-end of 24% by Espenshade. (For more information on the Rothbarth-Engel range: Using the Rothbarth approach, an estimate of spending on one child, has been given as 17 percent of total family expenditures (Whiting and Bancroft, 1990). For the same one child, as a percent of total family expenditures, Betson presents an Engel method estimate as high as 33 percent.)

Child support doctrine cannot be derived or validated by analysis of the Consumer Expenditure Survey. The CES doesn't have the data necessary to calculate spending on children for any household or group of households. It shows an extremely wide variation in total family spending in several commodity categories (food, transportation, housing, etc.), with spending decisions having less relationship to income as income rises. CES based estimates do not provide sufficient information on what is actually spent on children (Hewitt, 1982). "No authoritative base exists for allocating estimated family expenditures on housing, transportation, and other miscellaneous goods and services among individual family members (Lino, 1991)."

Single parents spend less on children than would be spent by an intact family because the single parent household typically has less income than the intact family (Lino, 1991). Even if we assumed that one of the comparative standard of living estimates gave an accurate estimate of spending on children, awards based on information about spending in the intact household provide an automatic complementary benefit to the spouse. This practice has long since been established as illegal, because spousal maintenance can be awarded separately when appropriate (e.g. Hering, 1987).

Many economists contend that the Consumer Expenditure Survey is the best single source data base available for study of family spending patterns. As pointed out however, child support doctrine cannot be prophesied from its data. In order to develop better guidelines, focus must first shift from cost of children studies to child support policy. Economic studies are by themselves, unrelated to the precepts of "just and appropriate" child support awards that, according to the language of the Family Support Act, were expected from greater dependence on technology. In the context of rational policy, technologists must then develop appropriate ways of applying the information we have on the cost of raising children.

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