

GZS Publication Pages 00

Page	Date	Title
2	04-20-03	Jail Time Coming For Deadbeat Dads
6	04-18-03	Child-Support Agencies Are Subject of Bills
7	04-18-03	Michigan Attorney General to assist in recovering child support
7	04-17-03	Bill would do away with no-fault divorce
8	04-17-03	Court affirms man's child support felony conviction
8	04-16-03	Parents Still Support Missing Children
9	04-16-03	Police make child support higher priority
10	04-14-03	Child-support fix is in works
11	04-07-03	Sampson Pleads Guilty on Child Support
11	04-03-03	Actor Jim Carrey's Ex-Wife Seeks More Child Support
12	04-01-03	For Peace And Justice
19	03-28-03	Mass. Courts Need 'Sweeping Changes,' Says Prestigious Panel
21	03-25-03	'Conveyor belt' to divorce
23	03-25-03	Privacy Groups Fight Government Data Mining
25	03-24-03	New Welfare System Seen as 'Recession-Proof'
27	03-07-03	American Legal System Is Corrupt Beyond Recognition, Judge Tells Harvard Law School
30	03-07-03	Trial Mix - The People v. Robert Blake
31	03-02-03	Court Delays, Extended Stays
33	02-24-03	Why No One is Married
35	02-20-03	Struggling to Fix the Secret Service
37	02-15-03	Deadbeat Mother Convicted
38	02-14-03	Jurors Deliberate Sentence for Clara Harris
40	02-12-03	Murder by Mercedes?
41	02-12-03	Actors promote virtual protest march
42	02-07-03	Kinsey Film Contested
43	01-31-03	Bill O'Reilly Bio
44	01-22-03	White House standing by Snow nomination for Treasury job
45	01-20-03	On Fatherhood, Family, and Civil Belligerence
48	01-10-03	Man Told To Support Child Of Another
49	12-31-02	John Kasich Bio
50	12-12-02	'Dorm Porn'— A Student Speaks Out
52	11-30-02	Legal Group Urges States to Update Their Family Law
54	11-25-02	Thank you and farewell
55	11-25-02	Steve Horn returns
56	10-10-02	Is it your constitutional right to have babies and not support them?
62	10-03-02	GAO concludes Accenture, others, use tax havens
62	09-28-02	Davis vetoes tests to ID dads
63	09-23-02	Interstate Car Chase Ends in Tragedy
63	09-14-02	Kerkorian Ex-Wife Gets Little More
64	09-16-02	Not the dad? Pay anyway
66	09-12-02	Lawrence County judges free 37 child-support offenders
67	09-07-02	ACLU forges deal on nonsupport cases
68	08-29-02	Human Services Officials to Recognize Employers' Role in Child Support
69	08-01-02	Ex-Raider Caught in Support Sting
69	07-31-02	Dozens of Deadbeat Parents Busted in U.S. Sweep
70	07-26-02	White House Hails Bankruptcy Bill
71	05-02-02	DNA should be accepted in paternity cases
73	04-20-02	Blake behind bars after arrest in wife's slaying
75	04-18-02	Social Security Demands Bipartisan Action
75	01-08-02	Man kills himself on courthouse steps
76	01-05-02	Reformed Child Support System Termed a Success
77	10-10-01	Oracle CEO Security Plan Spawns Criticism
79	08-28-01	Pilot was ordered to leave his home
80	08-16-01	Mother wants Jesse Jackson to 'be a father' to illegitimate child
81	08-03-01	Our Child-Support Policies Exile Noncustodial Parents
82	07-27-01	Oregon vs Hill
83	07-12-01	Wisconsin Case Stirs Child-Support Debate
84	06-25-01	Proven Innocent, But Still Owes Society
85	06-03-01	County Child Support Program's Accounting Under Scrutiny by State
87	04-27-99	Child-support-law amendment comes to attention of Hill
89	01-01-98	Interstate Comparison of Child Support Orders Using state Guidelines

Jail Time Coming For Deadbeat Dads

<http://www.washtimes.com/national/20030420-7717031.htm>

Cheryl Wetzstein, WASHINGTON TIMES, 04-20-03

CHARLESTON, S.C. - Each week in this picturesque Southern city, around 50 fathers are rounded up and hauled into a crowded jail for the crime of not paying their court-ordered child support.

Most are quickly bailed out.

But when the bailouts stop, the men step onto a well-worn path: Survive the tedium and frustration of months in jail. Upon release, find a job - any job. Keep paying enough child support to avoid the court's attention. Sooner or later, get re-arrested and re-incarcerated. This pattern is repeated often.

Some men, such as Corey Wright, are now taking a path that is even more personally demanding, but it holds the promise of escaping the child-support merry-go-round.

Mr. Wright, 34, graduated on Feb. 14 as a member of Class No. 7 of Project Restore, a program of Agape Ministries of Charleston. He has since been released from custody.

For 16 weeks, he studied about life, parenthood and manhood. He also worked on construction sites, took college classes in carpentry and built houses with Habitat for Humanity.

About \$2,000 of the money he earned during the program went to pay down his child-support debt of \$4,696.

Today, Mr. Wright has a full-time restaurant-cleaning job that pays \$8 an hour. He's easily staying current with his \$149-a-month child-support bill and he's planning a return to hospital nursing work, which he prefers over carpentry.

The program "has given me a good outlook on everything - it showed me how I was going about things the wrong way," he said. "Now I've got some plans."

On the family side, Mr. Wright is reconnecting with the 6-year-old daughter he owes support for and strengthening ties to another son. He's also investing more in sons Corey Jr., 4, and KayMonte, 1.

Project Restore has "changed Corey a lot," says the boys' mother, Katashia Campbell. "He's been coming to visit them a lot and calling to see what [the baby] needs. I think he'll be a good role model for them."

'Pay or be incarcerated'

The federal government estimates that \$112 billion was owed in child support in 2001. A record \$19 billion in child support was collected, but it barely dented the overall debt owed from previous years.

Throughout America, state officials chase down and penalize deadbeat parents - garnishing paychecks, intercepting tax refunds and yanking driver's licenses. Jail is an option, but it's usually reserved as a last resort.

Not so in South Carolina. "Here, it's pay or be incarcerated," says Family Court Judge Paul W. Garfinkel, whose docket is always filled with child-support cases.

J. Corbitt Hinson III, a child-support official in the South Carolina Department of Social Services, agrees. "This is the wrong place to get a child-support tab. We go to court over \$27," he says.

This no-nonsense attitude, backed up by a dedicated law-enforcement staff and a computer system that keeps close track of child-support debts, means there's a steady stream of fathers jamming into the Charleston County Detention Center.

The facility was built for around 700 people, but it often holds closer to 1,400.

Most inmates are in for felonies such as carjacking or child molesting. But a "small but important part of the population" - typically 100 of the men and 10 of the 25 female inmates - are in the facility for not paying their child support, says Keith Novak, chief deputy of the Charleston County Sheriff's Office and administrator of the center.

The child-support inmates are notorious for recidivism. "It's a revolving door," Mr. Novak says.

Which is why prison officials, judges, child-support enforcers and the mayor perked up a few years ago when the Rev. Dallas D. Wilson Jr., known as "Brother Dallas," proposed Project Restore.

It's a combination of work-release, life-skills and relationship programs "but with a faith-based and ownership component," Mr. Wilson says. The unique aspect of the program is its construction company, in which the men can become part owners, he says.

Jail Time Coming For Deadbeat Dads (Continued)

Restoring hearts of men

Project Restore begins in the detention center, such as what happened on a rainy November night.

Several dozen inmates cram into a room with team leaders Kenneth Green and Timothy Grant.

Project Restore has a buzz - inmates have heard that program graduates get out of jail early - so they are wary but interested.

Mr. Green and Mr. Grant scan the packed room. They are looking for 18 men for Class No. 8 currently under way. Eligible candidates must be nonviolent, have jail sentences of at least one year, owe child support to the state and have a desire to change their lives.

"We're not lawyers, judges, legal professionals or attorneys. We're trying to restore the hearts of men back to their children," says Mr. Green, a compact man who sports a neat ponytail, crisp shirt and tailored pants.

For much of the next 90 minutes, he and Mr. Grant listen patiently to the complaints of inmates: "I owed \$9,000. Judge gave me a \$100 fine and 90 days to pay," one inmate says indignantly. "I owe \$1,200, and got a \$400 fine and no time to pay," another says. "We're on a one-way railroad - [the debts are] growing while we sit in here," another growls.

"You were there before all this started," Mr. Green interjects.

But the sob stories continue: "A lot of us were paying support to the women, not to the court, then the court said the money was a gift," says one man with dreadlocks. "Garfinkel gave me 21 months. No leniency from him," another jeers.

When Mr. Green has heard enough, he levels with the men. "I have a wife and six kids. I did three years in the state pen. I got out and did a mistake again and got 18 more months. People wrote me off, too, but I got a second chance.

"Nothing was given to me," Mr. Green adds, as the men sit silently. "It took six years to get back on my feet. I started as a driver, 5 to midnight, 200 miles a night. It's hard. But I know if you apply yourself, you can help others."

Mr. Grant, a burly teddy bear of a man with a goatee, steps to the front of the room.

"I pay child support now," he says. "I've been incarcerated and in the courts. She got welfare and I've got to pay for it. But don't be negative and you can overcome."

Mr. Green and Mr. Grant collect 40 applications that night. They agree that a few of the men look promising.

A new beginning

Class No. 7, which began Nov. 4, has 16 men. In the morning, they are driven from the detention center to the Agape Ministries building, located in a federal enterprise community. At night, they are returned to jail.

Most of the men are in their 20s or 30s, and owe anywhere from \$3,000 to \$15,000 in child support. Malcolm, the one white father in the class, owes almost \$50,000.

One middle-age man named Thurmond, who like Malcolm asked that his last name not be used, seems especially grateful to be in the group. He is an Army veteran and a solid worker, and was once happily married to a woman with whom they now have three adult children. Then he found a girlfriend and got her pregnant. His wife divorced him, and his children stepped back from him. The girlfriend dumped him as well and sued him for child support. He now owes between \$7,000 and \$8,000. Jail was the final disgrace.

"I tried hard to get into this program," Thurmond explains quietly. "I want this to be a new beginning," he says, tears swelling in his eyes. "I lost a lot in the divorce."

Mr. Wilson's wife, Janie, organizes and oversees the program. She teaches the men professional etiquette and the value of positive attitudes and adaptability. She insists on being addressed as "Mrs. Wilson."

"It helps the men to rebuild respect for women," she says.

The Rev. Jimmy S. Gallant III, a high-energy city council member who seems to know everyone in town, gives the class a pep talk about how they can "transform" themselves and "become a brand-new person in front of the people who know you."

He also warns them: "In the beginning, you'll feel good, but then it's going to get intense. You're not going to be the same person a few weeks from now."

Mr. Wilson, a well-spoken, large man, steps forward to lay out the 16-week program: During the week, it's life-skills classes and training on construction sites; on Tuesday and Thursday nights, it's college classes; on Saturdays, it's work with Habitat for Humanity.

Jail Time Coming For Deadbeat Dads (Continued)

Project Restore pays the men \$7 an hour or \$224 a week. About three-quarters of these earnings go to their child-support debts. The men keep \$8.50 a week, which isn't much, but it beats the \$1-a-day they could earn working in jail. The rest of the men's earnings go toward paying for meals and other program costs.

Participants must abide by the rules. Stealing, substance abuse and unauthorized visitors are cause for dismissal. "No one will send you back [to jail] but yourself," Mr. Wilson says.

Upon graduation, most men take jobs with contractors or work for Peithos Construction Co., which is owned and operated by Project Restore graduates. If they stay with Peithos, "they can become part-owners and share in the profits," Mr. Wilson says.

"As a result of their labor, they should own something," he explains. Also, as owners and allies, they can beat the "last hired, first fired" syndrome that felons typically face in the work force.

But work and child support are only the external goals for the men, says Mr. Wilson, who is candid about growing up in a fatherless home and being "a thug and a hoodlum" before turning his life around and earning a doctorate in theology.

The deeper goals are to "restore, reclaim and reintegrate" the men with their children, family and society, he says.

Each class likes to hear these goals, Mr. Wilson says, but they usually have no idea how hard it will be to do it.

"No one likes change but a wet baby," he says with a chuckle.

A 'hands-on' program

Project Restore was started in 1997 and won a federal welfare-to-work grant for 1999. Today, its major funders are the South Carolina Center for Fathers and Families, South Carolina Department of Social Services and the Sisters of Charity Foundation of South Carolina.

Mr. Wilson's living expenses are underwritten by Ashoka: Innovators for the Public, the Arlington-based philanthropy that supports extraordinary "social entrepreneurship."

Project Restore ran into funding snags over its payments to the men - which are now resolved, Mr. Wilson says. It also had to maintain its allies in law enforcement, child support, family court and the local business community.

"There was a time when this program was nearly dead," he says. "If any [of the major players] had said, 'It's over,' it would have been over."

But Judge Garfinkel says he supports Project Restore because it addresses his two biggest headaches: chronic nonpayment of child support and poor relationships between the men and their children.

If a noncustodial parent is connected to his children, it's less likely he "will be back in front of me," the judge says. It's also less likely that the child will end up in juvenile court and less likely that there will be neglect and abuse. "I think it's a win-win all the way around," he says.

Charleston Mayor Joseph P. Riley, who has helped the program get community development funds, approves of it because it's "hands-on, one human being at a time."

Child-support prosecutor Pamela Brown says she backs Project Restore because its graduates "rarely" come back through her office - out of 81 graduates so far, about 15 have returned to jail on child-support charges. "I have to do my job of putting 'em away," she says, but supporting Project Restore "is my way of giving back."

There's a unique accountability in the program, Mr. Novak, the detention center's administrator, said.

With regular work-release programs, if one man walks off a job site, the other men may not say anything. But once when a Project Restore man walked off a site, "the other guys told on him. Their attitude was, 'You are not going to [mess] this up for us,' and they gave his address to Kenny [Green]," the chief recalls.

"The men police themselves. The peer pressure goes the right way," Mr. Wilson says.

The money goes the right way, too: It costs \$18,000 to house a parent in jail for a year. Project Restore spends \$9,021 per man, with about 38 percent of that going to child-support debt.

A big downside, however, is Project Restore's capacity: Its current configuration allows for only about three classes a year, or 60 to 75 men.

In contrast, the Department of Social Services has at least 15,600 child-support arrearage cases in Charleston County.

Jail Time Coming For Deadbeat Dads (Continued)

'A blessing to me'

Project Restore has the reputation of working with "the bottom of the barrel," as one child-support worker put it, but one wouldn't think it in meeting Darrell DeVaughn.

Mr. DeVaughn, 34, graduated from Project Restore's Class No. 3, nearly three years ago.

He and his wife, Davetta, have three children of their own and each has a child from another relationship. Mr. DeVaughn didn't pay support for his child and ran up a \$3,000 debt.

He says Project Restore helped him become a carpenter's apprentice, repay his entire debt and stay current with child support. He also learned how to overcome "my arrogance" and get along with Davetta.

"The program lets the men believe in themselves," Mrs. DeVaughn says, tossing a smile at her husband, who smiles back.

Kevin Evans, 37, is another Project Restore graduate. When he came to the program in 2000, he had a \$21,000 debt for children by two women and a three-year jail sentence.

Today, he works every day as a grounds keeper at a country club and part-time at nights at a restaurant. He is self-sufficient, pays \$163 every two weeks to child support and has cut his debt in half.

"I'm now on good terms," Mr. Evans says about his interactions with the mothers of his children. Working long hours doesn't leave much time for anything else, "but I feel real relief now. Project Restore has been a blessing to me," he says.

Tall, muscular Kevin Gentile is both a Project Restore graduate and one of the program's employers. Being in jail "was humiliating," he says. "I used to get defensive and get into cursing and all that. I don't stress like that anymore."

Mr. Gentile, now married and with a toddler, still pays child support for two other children but estimates the debt is down to \$1,500 from \$10,000.

One afternoon, Mr. Gentile, who has his own flooring company, and other employers came to meet members of Class No. 7. He draws a respectful audience as he uses his calloused hands to demonstrate the most efficient way to pull lumber from a floor.

Graduating to cheers

On Valentine's Day 2003, Class No. 7 graduated to cheers and applause.

"Overall, it was an exceptional class," Mr. Wilson said. Four of the 16 men exceeded everyone's expectations. One is Thurmond, the middle-aged man who lost his family when he had an affair.

"He's in church on Sundays and keeps in touch. On one family night, he had the whole staff crying. His big son came - and they had been estranged for years - and they hugged and cried," Mr. Wilson said.

One graduate has already entered a long-term rehabilitation program to overcome his drug addiction. He's going to be fine, says Mr. Wilson, but he admits he is worried about two other graduates - one is still grappling with his alcoholism and the other battles depression.

"We are reaching out" for extra services for these men, he says.

Corey Wright gave everyone a scare when he disappeared after graduating. It turns out that when he went home, his drug-dealing buddies showed up, calling him out. Mr. Wright promptly relocated to a sister's house.

"When Corey got out, he nearly fell back into the same trap," Mr. Wilson said. "There's a lure, a magnetism, that draws these guys back to the circumstances that defeated them."

But Mr. Wright seems to be "doing a lot better now; he's on track," Mr. Wilson said.

Child-Support Agencies Are Subject of Bills

<http://www.nytimes.com/2003/04/18/nyregion/18COUN.html?ex=1051329600&en=e0630356c673ab12&ei=5062&partner=GOOGLE>

NICHOLE M. CHRISTIAN, NY Times, 04-18-03

A group of City Council members unveiled two bills yesterday intended to regulate private child support collection companies that pocket much of the money they were hired to collect.

The bills would set a 15 percent cap on the amount the companies could charge customers and require them to disclose, in writing, the terms of contracts and all fees associated with their service.

Since many of the companies are private and not regulated by federal law, customers — often poor single parents — have little protection from those who slip in extra charges and hidden contract terms, the council members said.

"We're not saying that child support collection agencies are necessarily bad choices for mothers and custodial parents who are in desperate situations," Speaker Gifford Miller, a supporter of both bills, told reporters at a City Hall news conference. "What we are saying is, as a result of that desperation and that vulnerability, it's critically important that the city regulate this industry to make sure that fair practices are being followed."

The bills, sponsored by Tracy L. Boyland of Brooklyn and Eric N. Gioia of Queens, grew out of a two-week investigation in which 18 child support collection companies were surveyed to determine how they do business. The survey's findings were released yesterday.

Michigan Attorney General to assist in recovering child support

<http://www.woodtv.com/Global/story.asp?S=1239241&nav=0RceFJp9>

WoodTV.com, 04-18-03

Michigan Attorney General Mike Cox today warned the San Francisco based Wells Fargo bank that should they continue to ignore liens against the accounts of deadbeat parents, his office would take the necessary legal action to force compliance. It is estimated that the company has assets above \$2 million from parents owing back child support.

The issue arose out of a legal battle between Wells Fargo and the Kent County Friend of the Court, which attempted to recover over \$11,000 from a deadbeat parent with a Wells Fargo account. The bank refused to release any assets, claiming Michigan lacked authority over an out-of-state savings institution. While Wells Fargo's corporate headquarters are in California, they have 29 locations in Michigan with an additional 30 ATMs.

On April 4, the Kent County Circuit Court ordered Wells Fargo to comply with the lien. To date, they have not done so and have 21 days to either comply or appeal the decision.

"Abdicating one's responsibility of paying child support is more than just immoral, it's a crime," added Cox. "Wells Fargo should be embarrassed to be an accessory to such activity. I have instructed my office to become actively involved in this case on behalf of the Kent County Friend of the Court and kids all across this state."

Bill would do away with no-fault divorce

<http://www.thetowntalk.com/html/DCA82BF1-8345-4238-96E9-E18D91C89239.shtml>

Staff Reports, TheTownTalk.com, 04-17-03

BATON ROUGE -- Divorces could become much more difficult to get in Louisiana if state Sen. Mike Smith gets his way.

Smith, D-Winnfield, has sponsored Senate Bill 319 to do away with no-fault divorces.

The Senate Judiciary Committee heard testimony on the bill Tuesday without taking action, but it will consider the bill again, reported The Advocate in Baton Rouge.

The bill would mandate marital counseling before allowing a divorce and require the filing party to establish a cause such as abuse, a felony, conviction, abandonment or adultery.

Billy Miller of Alexandria testified before the committee, likening no-fault divorce to getting a traffic ticket for no reason.

"What's missing? Due process," Miller said.

"It takes two in agreement to begin a marriage, and legally it should take two in agreement to end a marriage, just like starting and ending a two-party business," he said.

"When our child comes in from school telling us of a heated disagreement with another student, we do not tell them that they do not have to put up with that and permit them to quit school," Miller said.

"We know that they must learn to work things out. Not so in marriage." Opponents of the bill told the committee that requiring a finding of fault could result in children witnessing their parents disparaging one another in court.

That could result in "trauma in a child's life," said the committee chairman, Sen. Noble Ellington, D-Winnsboro.

Also, requiring counseling is dangerous in cases of abuse, bill opponents say.

Court affirms man's child support felony conviction

<http://www.aberdeennews.com/mld/aberdeennews/news/5656503.htm>

ANDREW NELSON, Associated Press, 04-17-03

PIERRE, S.D. - The South Dakota Supreme Court has upheld a man's felony conviction for leaving the state while failing to support his child.

Timothy Taecker had argued that he was never a resident of South Dakota so the state should not have charged him with a more serious crime because of allegations that he fled the state while failing to pay child support to his former wife. She had moved to South Dakota after the couple divorced in California.

But the Supreme Court said there was sufficient evidence that Taecker lived in South Dakota and left while failing to pay child support. Taecker came to South Dakota to be with one of his sons before the boy died. His former wife testified that he lived in South Dakota and left in 1996 when he would have been required to serve time in jail.

Evidence also included a 1995 tax return in which Taecker indicated he lived in Yankton. Three South Dakota construction firms employed him in 1996, and he possessed a South Dakota driver's license and registered four motor vehicles in the state.

Taecker had testified that he left South Dakota in 1996 to find work to pay his child support. He said he sought job opportunities in California and Nevada. Taecker had claimed he could not pay child support because he became ill, weather interfered with his occupation, and he subsequently lost his job.

A state law makes it a misdemeanor carrying a penalty of up to a year in jail and a \$1,000 fine for a parent to intentionally fail to furnish the necessary food, clothing, shelter, medical care and other support to a child. A parent who leaves the state while violating that law can be convicted of a felony carrying a penalty of up to two years in prison and a \$2,000 fine.

The Supreme Court said the prosecution presented sufficient evidence to support the jury's decision to convict Taecker of a felony. A circuit judge last year gave Taecker a suspended sentence and placed him on probation for three years.

Taecker also contended he should have been acquitted because his child had not gone without food, clothing and shelter since his former wife provided those things. But the Supreme Court said a parent is not relieved from criminal liability just because the other parent provides that care.

Parents Still Support Missing Children

<http://www.volunteertv.com/Global/story.asp?S=1236504&nav=4QcHFHUd>

VolunteerTV.com, 04-16-03

More than 300 children in state custody are considered runaways. The State of Tennessee doesn't know where they are. Despite this, the parents of the runaways are still paying the state child support even though their children are missing.

On top of that, a Loudon County woman claims the state ruled her financially unable to take care of her daughter, who we're identifying as Krystal, and are now asking her to pay up even though her daughter is still missing. Meanwhile, the Department of Children Services says the money is collected and placed in a general fund.

Krystal's mom, Sandy Smallen said, "They're wanting me to pay child support on a child they don't even have."

Ms. Smallen is asked to pay only \$20 a month, but she lives off only \$700 a month. She pays for all her bills, plus her 13-year-old daughter's child support. Ms. Smallen has cancer so she has medical bills. She says at the end of the month there's nothing left, not even \$20.

Police make child support higher priority

Stepped up effort yields \$4,710 from children's father

http://www.lsj.com/news/local/030416_police_1a-7a.html

Adam Emerson & John Schneider, LSJ.com, 04-16-03

After a weekend misfire on an easy opportunity to arrest a man owing \$18,000 in back child support, Lansing police regrouped Tuesday to officially ratchet up their priority on deadbeat arrests.

Before Tuesday, nonsupport warrants held the same importance as barking dogs and abandoned cars for Lansing police. Today they carry the same weight as the threat of violence or serious damage to someone's property.

After a story in Tuesday's State Journal calling into question the Lansing Police Department's commitment to arresting deadbeats, Police Chief Mark Alley called a meeting with his assistant chief and a 911 representative to raise child-support enforcement from Priority Three to Priority Two for officers on the beat.

"We just needed a change to give these calls a little more importance," said Lt. Bruce Ferguson, a department spokesman.

So if police get information that someone with a bench warrant for not paying support will be at a specific place for, say, a four-hour period, a police supervisor must find a way to get an officer there, Ferguson said.

Under Priority Three, police could put a call on hold for a while if an officer wasn't available.

This change comes after Lansing's Sherry Trumble called police Sunday afternoon to tell them that the father of her teenage daughters, Michael Lezan of Lowell, would be at a Lansing home for five hours. She gave them the address, the hours he would be there and the fact that there was a warrant for his arrest for not paying.

Police drove by the house but didn't see the vehicle Trumble had described as Lezan's. The officer, assuming Lezan was no longer there, didn't go to the door.

"It was our fault," Ferguson said, referring to the fact that Lezan wasn't arrested Sunday. "We really are committed to making those arrests, but this one slipped through."

On Tuesday, Lansing police followed up, sending an officer 50 miles to Lowell to work with that city's police department to confront Lezan. As a result, Lezan paid \$4,710 to the Ingham County Friend of the Court by day's end - a down payment on the \$18,000 he owes, said Donald Reisig, of the Friend of the Court.

"I think it's great," Trumble said. "It was definitely the publicity, plus the efforts of the Lansing police."

Reached at home, Lezan said he never tried to elude police and that he planned to pay the arrears when he could afford it.

"I'm barely making enough money to survive," he said.

If Lezan misses another payment, the Friend of the Court will ask a judge to order an explanation. If he doesn't show up for that hearing, the judge could issue another bench warrant for his arrest.

Police priority calls

On Tuesday, Lansing police raised the level of importance for child-support enforcement from Priority Three to Priority Two.

- Priority Three calls include noisy dogs or abandoned cars - things that police can put on hold for a while if an officer isn't available.
- Priority Two calls include crimes in progress, property crimes or situations that have the potential for violence. A supervisor must find a way to get an officer to that call.
- Priority One calls include anything that could threaten someone's life. Officers must respond immediately.

Contact Adam Emerson at 377-1058 or emerson@lsj.com. Contact John Schneider at 377-1175 or jschneid@lsj.com.

Child-support fix is in works

Legislators target private firms' fees

<http://www.chicagotribune.com/news/yahoo/chi-0304140178apr14.1.2252043.story?coll=chi%2Dnewsao1%2Dheadlines>

Bonnie Miller Rubin, Tribune staff reporter, 04-14-03

Frustrated by state agencies' inability to make ex-spouses pay child support, parents are increasingly turning to private collection agencies for help only to find out these firms keep anywhere from a third to a half for themselves.

But if a bill passes the Illinois House on Tuesday, such fees will be capped at 25 percent.

"It's a start," said Sen. Ira Silverstein (D-Chicago), who sponsored the bill in the Senate, where it sailed through 52-0.

"It's about getting the ball rolling and doing whatever we can to get more money to the child ... not to private firms."

In addition to excessive fees, private collection agencies have also been criticized for taking a hefty cut out of support checks even if not directly responsible for the money showing up, such as when the government garnishes a delinquent parent's wages. The bill also prohibits that practice.

Not surprisingly, these firms oppose any limitations on their operations.

"If the fee level charged by a private agency is capped at a level that is inadequate to permit a private agency to spend the necessary time and effort on an enforcement case, it decreases the likelihood of a successful collection," said David Conder, president of the Child Support Enforcement Council, a national association of private collection agencies.

A little more than a decade ago, private firms that specialized in tracking down deadbeats scarcely existed. But in the last decade, some 38 firms--with names like Supportkids and Support the Children--have sprung up, mostly by advertising on the Internet and cable TV stations that target a female audience.

The parent needs to pay no money upfront--only if the firm collects, which makes it an attractive option for a cash-strapped clientele.

With non-custodial parents owing \$89 billion nationwide, it's no wonder that business is booming. This is especially true in Illinois, which has one of the worst collection rates in the country. In all, children are owed more than \$2 billion in back support.

"These custodial parents are getting victimized three times," said Rep. Patti Bellock (R-Westmont), who is co-sponsoring the bill in the House. "First by the [parent], then by the system that has failed them and then by these agencies."

In the last year, about seven other states have sought to regulate such firms with a cap similar to the one being proposed by Silverstein and Bellock.

But Rep. William Black (R-Danville) says he is reluctant to impede anyone making even a small dent in collections.

"Are there some unscrupulous operators out there? Of course. But I don't want to see any bill drafted that keeps money from custodial parents," Black said.

He lamented that such collection agencies are a necessity. The firms succeed by employing highly trained investigators with a small caseload, allowing them to commit more time and resources to individual cases than the government can, according to the Child Support Enforcement Council.

The state's fiscal crisis will even further limit aggressive collection efforts, said industry lobbyists.

Lonnie Nasatir, an administrator for the Division of Child Support Enforcement, said that the private sector can pick and choose its cases--a luxury the state does not have.

The state does farm out its toughest cases--those where the custodial parent hasn't received a payment in years. In these instances, the agencies receive a fee of 8 to 15 percent, with the state absorbing the fees.

"This is a very clear-cut bill designed to keep the money for the people who are most deserving of it," Nasatir said.

Copyright © 2003, [Chicago Tribune](#)

Sampson Pleads Guilty on Child Support

http://story.news.yahoo.com/news?tmpl=story&u=/ap/20030407/ap_on_sp_ba_ne/bko_sampson_child_support_1

LARRY O'DELL, Associated Press Writer , 04-07-03

RICHMOND, Va. - Ralph Sampson pleaded guilty Monday to failing to pay more than \$22,000 in child support. The former Virginia and NBA star faces a second child-support count in Charlottesville on Wednesday.

Sentencing in the Richmond case is set for July 8. The misdemeanor is punishable by up to six months in jail, a \$5,000 fine and one year of probation.

Sampson's lawyer, Frederick Heblich, said he does not expect his client to serve jail time. Sampson already has paid all but \$1,243 of the \$22,450 he owed in the Richmond case and all but about \$1,800 of the \$29,542 he is charged with owing in the Charlottesville case, Heblich said.

After entering his plea in federal court, Sampson was taken into custody on a state charge of failing to appear for a previously scheduled hearing in Charlottesville.

On Monday, the 42-year-old Sampson acknowledged he did not pay support as ordered for a 14-year-old daughter who lives in Falmouth.

Heblich said Sampson also will plead guilty to a misdemeanor in the Charlottesville case, which involves an 18-year-old daughter who will graduate from high school in June.

The 7-foot-4 Sampson, a Harrisonburg native who now lives in suburban Atlanta, was the first pick of the 1983 NBA draft by the Houston Rockets.

According to court documents, he was paid \$539,060 in 1999 and \$134,765 in 2000 by the Sacramento Kings. In 2001, he earned \$11,207 from a number of organizations.

Heblich said he did not know anything about Sampson's financial condition.

Actor Jim Carrey's Ex-Wife Seeks More Child Support

http://story.news.yahoo.com/news?tmpl=story&u=/nm/20030403/people_nm/people_carrey_dc_3

REUTERS, 04-03-03

LOS ANGELES (Reuters) - Actor [Jim Carrey](#)'s ex-wife wants a judge to award her more child support, saying that their daughter must get by on \$10,000 a month and cannot afford her own bodyguards, personal trainer or Pilates equipment, according to court papers obtained by an investigative Web site on Wednesday.

Melissa Carrey says in the court papers, obtained by The Smoking Gun Web site, that \$10,000 a month "is not sufficient" to meet the needs of her 15-year-old daughter Jane, who wants to pursue a career in the entertainment industry.

A spokeswoman for Jim Carrey, star of "How the Grinch Stole Christmas" and one of Hollywood's highest-paid actors, could not immediately be reached for comment, nor could a spokesman for his ex-wife.

"Jane does not have personal security ... which I believe is important to have at this time," Melissa Carrey said of her daughter in the court papers filed in Los Angeles Superior Court, noting that the teenager is "often followed around" by photographers.

"Jane enjoys Pilates and takes classes at the local Pilates studio but does not have her own personal trainer or her own Pilates equipment," the ex-Mrs. Carrey said in the papers, adding that she would like to build a \$200,000 studio for the girl to practice the fitness regimen and her musical instruments.

Melissa Carrey, who has primary custody of her daughter, says she pays for her classes in drama, music recording and arranging, singing, tennis, dance, Pilates and computers, but would like to sign her up for horseback riding lessons and a private ski instructor.

Jane Carrey also needs money for a talent agent and to be professionally photographed as she begins a career in entertainment, her mother says.

Jane Carrey is the only child of Jim and Melissa Carrey, who divorced in 1995.

Reuters/VNU

FOR PEACE AND JUSTICE

The Campaign of Sanderson Beck as a Democrat for President of the United States

<http://www.san.beck.org/>

04-01-03

[Why I Am Running for President](#)

[What I oppose:](#)

[What I support:](#)

[Political Principles and Vision](#)

[Transforming U.S. Military Policy to World Peace](#)

[Social Responsibility](#)

If you would like to support this educational candidacy, please send an e-mail to san@beck.org letting us know how you would like to help.

Why I Am Running for President

I am deeply concerned that the United States is being led in the wrong direction by George W. Bush and reactionary Democrats. I intend to educate people by explaining how we can lead the world into a golden age of peace, justice, and prosperity, not just for US but for everyone in the world. I aim to apply the wise teachings of the Christ, Buddha, Socrates, Lao-tz, Confucius, and other sages to politics to make the world a better place. I hope to awaken "Christians" who have been led astray by hypocrites supporting wars and the uncharitable policies of right-wing politicians that are contrary to what Jesus taught.

I was born on March 5, 1947 in Los Angeles, and I was a Conscientious Objector during the Vietnam War. I have taught more than forty different college courses, written many books, and dedicated my life to working for world peace. I will be honest, and I admit that my policies are closer to Greens than Democrats. I am offering the Democratic Party progressive policies, and I hope to be included in the Democratic debates during the primaries. Also, by running as a Democrat I will not hurt the Democratic nominee who goes against the Republican in the final 2004 election.

Our great country has become an oppressive empire to serve the greed of those with power. Now that the Cold War is over, we can eliminate all weapons of mass destruction and reduce all military forces in the world. Nonviolent methods and international law can resolve conflicts and protect human rights. We can reduce terrorism by not terrorizing the world with a bullying foreign policy. I believe the United States of America can lead the way to a world that is more democratic, free, fair, peaceful, prosperous, and sustainable if we act intelligently and responsibly with our great power and wealth. I appeal to the best in people so that we may treat others as we would be wish to be treated. I hope you will join me in this effort to reform our government.

How You Can Help

I am asking you to support my educational candidacy so that together we can raise awareness on issues of peace and justice. By supporting a "protest" candidate we can show that we want leaders who will serve the common good of all rather than wealthy contributors. Protest led to the Protestant Reformation and the founding of the United States as a republic. Buddha and Jesus began with a small group of followers; but their ideas spread and have inspired millions. By working together I believe that we can transform our militaristic and violent society into a peaceful and just world community.

Current federal election law requires a candidate to raise \$5,000 in each of twenty different states from contributions up to \$250 per person in order to qualify for a matching amount of money from the U. S. Government. If people I meet on my nation-wide tour from March to October 2003 help me, I believe we could reach this goal, which would enable me to get on the ballot in all states and be included in the primary debates. If we find someone better to run with policies as good as mine, I will support that candidate.

I oppose:

wars and arming for wars

- U.S. bombing of other countries
- all weapons of mass destruction
- huge expenditures wasted on the military
- military aid and arms sales
- American neo-imperialism and NATO expansion
- paranoid curtailing of civil liberties
- recent tax cuts for rich persons and corporations
- recent bellicose American arrogance
- the current push for U.S. world domination
- an endless war on "terrorists"
- government secrecy, spying, and covert violence
- unfair trade treaties that hurt other countries
- exploiting "sweatshop" labor
- the corruption that bribes elected officials
- government "welfare" for corporations
- excessive bureaucracy and government red-tape

FOR PEACE AND JUSTICE (Continued)

I oppose: (continued)

- capital punishment
- long prison sentences for nonviolent crimes
- the war on drugs
- leniency for corporate criminals
- restricting a woman's right to choose abortion
- sexism, racism, and other prejudices
- government censorship
- ravaging the natural environment
- polluting air, water, and natural resources
- weakening environmental protections
- genetically modified foods
- subsidizing the meat industry
- pork-barrel spending
- gerrymandering election districts
- electronic surveillance without a court order
- punishing whistle-blowers and valid critics
- forcing mothers of young children to take jobs
- privatizing Social Security
- mandatory drug testing
- discriminatory racial and ethnic profiling

If you would like to support this educational candidacy, please send an e-mail to san@beck.org letting us know how you would like to help.

I am for:

- universal peace, justice, and love
- + social and political responsibility
- + personal freedom and limited government
- + communicating openly and honestly
- + the principles of the Earth Charter
- + the UN Universal Declaration of Human Rights
- + international law and the United Nations
- + the International Criminal Court
- + the Global Warming Treaty
- + the treaty that bans landmines
- + abolishing all weapons of mass destruction
- + thorough weapons inspection in all countries
- + ending all military aid and arms sales
- + closing U.S. military bases in other countries, converting them to universities and hospitals
- + large reductions in military spending
- + reforming the Homeland Security Department
- + phasing out the Defense Department
- + increasing economic aid to poor countries
- + democratic self-determination for all nations
- + universal health care paid by the government
- + including all prescription drugs
- + publicly funded medical research
- + public education
- + increasing funding for education on all levels
- + interest-free loans to college students
- + affirmative action to overcome discrimination
- + merit scholarships to encourage excellence
- + tuition-free public universities and colleges
- + increasing the minimum wage
- + decreasing the work week to 35 hours
- + increasing taxes on corporations
- + progressive income tax
- + increasing deductions for dependents
- + paying off the national debt by taxing assets
- + sustainable living
- + corporate accountability
- + expanding the Peace Corps and AmeriCorps
- + improving public transportation
- + improving national parks and protecting wildlife
- + providing time on TV for candidates' debates
- + public funding for political campaigns

FOR PEACE AND JUSTICE (Continued)

I am for: (continued)

- + increasing funding of public broadcasting
- + reforming Social Security by removing the cap on the tax for higher incomes
- + replacing the war on drugs with treatment
- + registering guns and banning assault weapons
- + encouraging organic farming
- + green taxes to pay for environmental damage caused by industry and products
- + increasing tax on tobacco, alcohol, and other drugs to pay for the health costs they cause
- + holding weekly Presidential news conferences
- + videorecording Presidential policy discussions
- + allowing voters to register on election day
- + making election day a public holiday
- + instant run-off voting
- + enfranchising Washington DC voters
- + a Constitutional amendment to make the U.S. Senate more representative of the people
- + cultural diversity and exchanges
- + encouraging the arts
- + beneficial non-profit organizations
- + forgiving all interest on third-world debt
- + making the Internet more available to all
- + public assistance for the destitute
- + protecting the rights of labor unions
- + better rehabilitation and classes for prisoners
- + ratifying the equal rights amendment
- + consumer protection laws and advocacy
- + public access to government information
- + protecting the rights of native Americans
- + subsidizing low-cost housing
- + subsidizing renewable energy technology
- + phasing out nuclear power
- + subsidizing recycling
- + free trade that is fair and responsible
- = a peaceful world community.

If you would like to support this educational candidacy, please send an e-mail to san@beck.org letting us know how you would like to help.

Political Principles and Vision

I always ask God for guidance in my life and pray for the highest good of all, even though that may be difficult for me personally. This is my philosophy, and I put it into practice as best I can. Obviously it would be easier for me not to run for President of the United States. This is a very serious aspiration, and I feel a great responsibility to be honest and sincere in this endeavor. I believe that we are all spiritual beings and part of God, and as souls when we discover the reality we are, then we realize that this universe has a spiritual basis of reality that is much deeper than physical scientists usually admit. In my book *LIFE AS A WHOLE: Principles of Education Based on a Spiritual Philosophy of Love* I describe 27 [Divine Principles](#) that I believe are the spiritual foundation of reality and which are also guides for us to live well. These 27 principles are goodness, truth, beauty, reality, awareness, joy, love, wisdom, power, life, growth, fruition, will, freedom, responsibility, creativity, balance, harmony, courage, faith, patience, law, justice, peace, wholeness, health, and perfection. These are the guiding principles of my life and are what shape my political policies.

Although I may have little political experience, I have been studying and preparing myself throughout my life to develop wisdom that would make me capable of offering the best contribution I can for the welfare of all humanity. Certainly a philosopher running for President is unusual if not unique. I have spent much time studying history, and I have read several multi-volume biographies of the greatest U.S. Presidents - Washington, John Adams, Jefferson, Lincoln, Wilson, and Franklin Roosevelt. I have written a comprehensive history of the world up to 1300, emphasizing ethics. Yet I am also interested in current politics and have made personal sacrifices in order to help our society move from war to peace. Recent trends have convinced me that we are now facing our greatest crisis - even greater than the military buildup under Ronald Reagan during the Cold War. I have responded to this emergency first by revising and greatly extending my book *THE WAY TO PEACE*, which is on my website as [GUIDES TO PEACE AND JUSTICE](#). I began to plan a tour of the United States to college campuses in order to work for peace and sell my recently published books. In 1987 I went on a peace tour to 47 states and met with about 600 peace groups, encouraging them to influence the Democratic candidates running for President to have peace policies.

FOR PEACE AND JUSTICE (Continued)

I have often thought of going into politics and figured that I could run for Congress and then later perhaps run for the Senate or the Presidency; but to my surprise on November 12, 2002 spiritual guidance presented me with a different plan as I began to consider running for President. My main goal is not to get elected to office, but rather to help our country find better policies. I began to realize that in this era of money politics my running for Congress would reach few people, because debates would probably not even be held by an entrenched incumbent, and I would be reduced to raising money to pay for TV ads. Besides, people would say, "What good are your ideas for such radical changes since you would never be able to implement them even if you were elected to Congress?" However, by running for President as a Democrat I might be able to gain enough support for my visionary policies to get myself included in the televised primary debates. Thus I could run as an educational candidate in order to raise awareness on peace and justice issues, offering voters a protest candidate in the primaries that would likely be dominated by Al Gore, whose foreign policy is almost as bad as that of George W. Bush. Now that Gore has decided not to run, the field is even more open for a candidacy such as mine. If there are many candidates running as Democrats, I believe that this will help me, because the other candidates are quite similar and will divide up that portion of the vote.

In my study of history and observation of current events I have noticed a great disparity between the ethical theories of the wise and the political actions of those in powerful positions. Yet in people there is a deep and persistent longing for a better world that has been taught by the sages - a world of peace and justice based on love for all humanity rather than the aggressive policies of power-hungry politicians, who work only for selfish national and party interests.

I believe in the vision of a better world as taught by Jesus the Christ and others, that the Christ consciousness is in every person, and that the second coming of Christ is when each person realizes it within. When enough people act on this realization to implement the policies of love for all, then the sovereignty of God may become a reality in this world. My life is dedicated to working for this. I have also studied the other great religions and do not mean to imply that Christianity is the only way. Recently I published the [WISDOM BIBLE](#), which includes the greatest scriptures and philosophical classics of all the major religions and ancient philosophies. A person of authentic spiritual awareness does not discriminate against people of other religions or of no religion. Rather we should respect all people and evaluate the fruits of their actions. I have no intention to impose one religion on other people. Rather I believe that by becoming universal in our consciousness and tolerant of diverse beliefs and cultures we can achieve a brotherhood and sisterhood of all humanity. To do this we must learn to apply the golden rule that is found in all religions, to love others as ourselves.

The United States has become the most powerful nation in the history of the world, and we have a great responsibility not to abuse this power. The arrogant policies of George W. Bush display such a grotesque double standard and blatant hypocrisy that the Government of the United States is becoming not only feared but also hated around the world; war is not the way to peace. I believe that I can help lead the world to peace. I realize that my chances of being elected President in the year 2004 are very small; but I would not be running for President if I did not sincerely believe that I would be a very good President if I were by some miracle elected.

What are my political principles? First, I believe in honesty and openness in democratic government. I will not lie nor deceive, and I will communicate as much as I can. For example, I would hold a public press conference to answer questions every Wednesday at noon, and if needed sometimes on a Monday or Friday too. I believe in learning as much as I can, and I would encourage all relevant views be expressed on each issue. I would like to see conferences held on various specific issues. Then on a weekend the spokespersons selected by those conferences would meet with myself and pertinent department heads and advisors and Congressional leaders to discuss what policies would be best. Each weekend could take up a different issue, and these sessions could be video-recorded so that others could learn about the policy discussions.

Most of all, I believe in love applied to all. Thus I am opposed to violence and killing. This would mean a radical change in what is called "foreign policy." I believe that if the United States adopted peaceful policies and accepted effective international law with collective security through the United Nations, we could lead the world in the disarmament process that would involve every country on Earth. Since the end of the Cold War, the United States no longer has a rival enemy.

The current Bush administration has used the panic resulting from the terrorist attack of September 11, 2001 to exaggerate this new enemy to justify increasing his power and expanding the military complex. Tragically his policy of going to war against a handful of terrorists actually becomes a self-fulfilling prophecy, because it creates more terrorists reacting to the oppressive war policy. Because I am opposed to violence, I believe in being very tough on those who use violence; but they should be treated as individual criminals. It is a fundamental error in logic and ethics to punish groups of people for the crimes of individuals, whether it is by punishing or going to war against whole nations for the crimes of their leaders or targeting ethnic or national groups out of fear they will be terrorists. This is why we need to ratify the International Criminal Court (ICC) so that criminals like Osama bin Laden, Saddam Hussein, and others can be brought to justice without anymore violence than necessary. It is rather obvious to me that Bush does not want to recognize the ICC, because he is afraid that his policies could bring himself, his allies, and others in his government before that court for their crimes against international law.

I believe in maximizing freedom as much as possible. I oppose the use of force, because it is the opposite of freedom. Why is it that so many conservatives who say they believe in freedom and limited government favor a huge military establishment? Is it because they believe in their own freedom but not in that of others? Yet to make sure that one's freedom does not take away the freedom of another (whether individuals or groups), we must apply the principle of justice. History shows that this is usually best accomplished by using laws that are equal for all and democratic processes in order to prevent tyranny and oligarchies. I personally do not like bureaucratic hassles, and I would like to see laws and governmental regulations simplified. The public does need to be protected by laws. I favor trusting people to do the right thing without having to answer to government for every little thing; but those violating the laws and harming others must be held strictly to account.

FOR PEACE AND JUSTICE (Continued)

In most areas of life I think the government should let people be as free as possible and not interfere. I think the government should stay out of religion and should avoid getting involved in censorship. I believe very strongly in the free expression of ideas so that people can be aware of many options in life and make their own choices. I believe in free markets for commercial goods so that consumers have choices and can find efficient products at competitive prices.

Nonetheless in some areas of providing services to the public I believe that government can most fairly and efficiently organize the process, and in those areas I do not support privatization. The most obvious examples are the judicial process of laws and courts, highways and roads, bridges, and public utilities. Which public utilities such as water lines, electricity, gas, telephone, cable, and so on should be publicly operated and which might be privatized are debatable issues, and I have no fixed views. Generally I think that when the service is a single universal system, I think it often is in the public interest to have this accomplished by a government agency; but when a diversity will serve the public better or when it is not a universal necessity but an elective option, then private competition may give us more efficiency at better prices.

In education a combination of public and private institutions can provide a variety that serves the public well. Because I believe that universal education is a necessity and should be provided for all, I do not favor the complete privatization of schools. I think the entire society benefits by having a free and public educational system so that everyone in the society can get a good education, while some can still pay for private education to suit their special interests.

Another analogous social need is health care. With more than forty million Americans lacking health insurance and many others struggling with inadequate care, I believe this is a dismal failure in the richest nation on Earth. I believe that any decent society will make sure that all of its people have good health care. The Canadian and European systems of national health care for many years have proven that this can be accomplished efficiently and reduce costs by eliminating the private insurance bureaucracy and sales agents by simply providing free health care for everyone. Individuals can still hire private doctors if they want, and of course such things as cosmetic surgery would not be covered by the public health system.

Thus I think it is clear at this point that I am not for either extreme of unfettered private capitalism or totalitarian governmental socialism; but rather I support a mixed economy that socializes public needs such as education and health care but allows a free market in areas of discretionary spending.

My vision is to end all wars and to disarm all national armies, navies, and air forces, allowing local law enforcement officers to remain. All disputes not settled locally or by national governments would be resolved by the International Court. The United Nations needs to be reformed in order to make it more democratic and effective at keeping the peace, or a world constitutional convention needs to plan a democratic federal world government that would be ratified and joined by all nations on Earth for the good of all. This world government would have limited powers and checks and balances to make sure that everyone's rights are protected. Nations would continue to have sovereignty within their borders as long as they do not violate human rights or interfere with other nations. The peacekeeping forces of the world government would be drawn from many nations and would only use the force necessary to bring suspected criminals to the International Court. People would be educated and trained to use nonviolent methods for resolving all conflicts.

I see the United States changing from an oppressive military superpower and selfish exploiter to a generous leader that sets an example of how good life can be when we all cooperate for the benefit of all. I admit that the wealthy in our society will be contributing more to the general good than they have in the past; but I believe that they will be better off for this also as they realize greater inner happiness from the good they do. The opportunity to earn and possess wealth in this society is a blessing, and I believe that those people have an obligation to give back to the society in which they prosper so richly. Someone may ask, "What if the rich leave the United States?" Of course they would be free to go; I would hope that other countries taking them in would also expect them to contribute. I suppose they might try to change some other country into a refuge for greedy and selfish people; but others in the world may not want to buy the products controlled by such people, and at least they would be isolated and not fomenting wars in order to increase their wealth.

Essentially, I believe in a balance of freedom with justice that promotes the general welfare of all by making sure everyone has what they need while allowing every individual free expression and opportunity to achieve their dreams.

If you would like to support this educational candidacy, please send an e-mail to san@beck.org letting us know how you would like to help.

Transforming U.S. Military Policy to World Peace

The United States has become by far the greatest military power in the history of the world. Now the Bush administration is intent on increasing this power to achieve world domination. Dick Cheney, Donald Rumsfeld, Paul Wolfowitz, and Richard Perle have made it clear that they are seeking not just military superiority but military supremacy so that no other country, not even our allies, could challenge the United States. The Cold War balance of power was based on the deterrence theory of Mutually Assured Destruction (MAD), which crazily threatened to destroy the world if things went wrong. Fortunately thus far nuclear disaster has not struck, though many believe that it is a mathematical probability over time. MAD was based on the understanding that neither side could expect to defend themselves against the other superpower in an all-out war because of the overwhelming destructive power of thermonuclear weapons deliverable within minutes by missiles. The reason why the superpowers agreed on an Anti-Ballistic Missile (ABM) Treaty in 1972 was because the development of a defense would destroy deterrence. This destabilization might cause one side to strike first before the other side fully developed their defense, or they would face the possibility of being blackmailed by the threat of losing a nuclear war.

FOR PEACE AND JUSTICE (Continued)

President Ronald Reagan and now George W. Bush have presented this missile defense program to an unsophisticated public as a reasonable defense against an attack; but it would make the world much more dangerous, because other countries would believe that the United States would no longer be deterred from exercising its power however it wanted. Because this technology is extremely difficult to perfect, if not nearly impossible, it is unlikely that a nation could ever be able to withstand an all-out attack by many missiles. Its most feasible use would be for blackmailing other countries, or in connection with a massive first strike it might be able to shoot down a few missiles that have been missed in the surprise attack. Because of the extreme difficulty that any modern defense has against the increasing advances of offensive technology, this endeavor would be enormously expensive and would have little chance of success. Yet this has been the pet project of War Secretary Rumsfeld for years. Rumsfeld has also redesigned the American military and now NATO too to develop the capability of sudden attacks that the Nazis called *blitzkrieg*.

President George W. Bush has essentially declared war on everyone in the world who does not go along with his endless war on terrorism, which is really a war to make sure that the United States controls the oil in the Middle East and all other resources it feels it needs or wants. If the Vietnam War taught us anything, it is that even overwhelming military supremacy cannot win a war if the people are fighting for their own freedom and independence. War is not the way to achieve security; war brings death, destruction, poverty, hatred, and misery. I believe that security is fundamentally important; but the best way to protect the security of the American people is to make sure that no one in the world can make war. To believe that one can protect the security of a country by having that country go to war against other countries is a dreadful illusion, because as long as others lack security, they will react to endanger the security of their oppressors. Thus Israel will never gain the security it wants and needs as long as it continues to oppress the Palestinians. The only conceivable way this could be accomplished would be by exterminating all of one's enemies. Yet this is not likely even possible, since any surviving human beings would naturally consider such an exterminating country an enemy, as would any humane people within such a country.

No, my friends, war is not the answer. The United States, having appointed itself policeman of the world, is currently spending on the military about as much as all the rest of the world combined together. This colossal waste of financial, scientific, technical, and human resources greatly damages the American quality of life compared to what it could be if we went on a peace economy. Very little of this spending has any productive value or beneficial use.

Because of the extensive environmental damage that will cost more to clean up, we would even be better off paying the people in the military and manufacturing the weapons to do nothing. I am not suggesting that; but I do believe that all unemployed workers, who may not be able to find a job, should be given the support they need. Thus I do favor veterans benefits and generous retirement programs. I think that serving your country is a very noble thing; but I would like to see people serving their country in constructive ways instead of destructively. Environmental cleanup and conversion of military bases and weapons factories would be some of the new opportunities that would be created by reducing our military spending.

Since the United States is spending so much more on the military and is so powerful, I believe that we can safely begin the process of disarmament before the others. Then our good example would encourage other countries to disarm as well. Along the way the process would need to become multi-lateral or actually omni-lateral. In other words, we would not disarm completely until all other nations agreed to do the same. International inspection teams would make sure that everyone was complying, and international authorities would arrest anyone who violates the disarmament laws. We could begin by disarming the most useless weapons - the nuclear arsenals. Russia could be assisted in this process, as we are already doing, and I believe that Britain, France, and China would be persuaded to cooperate also. Then other weapons of mass destruction could be eliminated. Disarmament of conventional forces would be in stages, and they would have to be replaced by a trustworthy world government under democratic control.

The United States has been the great pioneer of republican government in the modern era. I believe that if we sincerely believe in democracy, we will lead the way toward global democracy. As long as the United States claims to be a great democracy but in the world acts like a bullying tyrant, others will see that we are hypocrites with one standard within our nation but another for those outside our borders. Also while we are withdrawing our troops from abroad and dismantling U.S. bases in other countries, we could convert them into university campuses and hospitals. I think we could greatly expand the Peace Corps so that dedicated Americans could be sent out to other countries with minimal cost, since little technology is required, to help other peoples with our skills - teachers, doctors, nurses, scientists, technicians, business administrators, and so on. Such people would also be learning about other countries so that the United States would become less isolated from the rest of the world.

When the disarmament process has been completed by all countries, I think the Department of Defense could be phased out as its legitimate functions for self-defense are absorbed into the new Homeland Security Department. The Coast Guard, for example, would still be protecting the borders. However, much of the spying and surveillance will need to be removed from the Homeland Security Department as unnecessary and as unwanted infringements on our privacy. This country has two centuries of experience in using judges and courts to protect civil liberties. This is no time to be giving up those liberties out of paranoia, because some of the evils from our past foreign policy came back to haunt us.

FOR PEACE AND JUSTICE (Continued)

We need more education in the ways of nonviolence with training for professionals to develop their skills in peaceful conflict resolution. A nation that believes in freedom will never give it up; but instead of fighting and killing for freedom, which is a contradiction since it takes away the freedom of others, courageous people will be willing to die if necessary to stand up for their rights and freedom but will be compassionate enough never to kill. When large numbers of people are united in these beliefs and skills of peacemaking, no power could ever overcome them. I think that Europeans are already starting to realize this. When they are able to communicate this to their political leaders or choose leaders who believe in this, then Europe will be eager to disarm and purify their economies from the military also. In fact I predict that if the United States does not lead the world toward peace, that Europeans and others will make the United States follow them toward peace. I have explained about making individual leaders responsible for their crimes without punishing whole countries; but if whole countries try to resist peace and justice, then it may be necessary for the rest of the world to impose boycotts and sanctions to get them to change their minds. I hope that Americans will want to lead the way toward a paradise on Earth rather than be made to follow this enlightened path by economic pressures.

We need to begin this process of disarmament by supporting the International Criminal Court (ICC) so that war criminals like Osama bin Laden and Saddam Hussein and others can be brought to justice by peaceful means. The United States can stop its violation of Article 6 of the Nuclear Nonproliferation Treaty by working for an international agreement to eliminate all nuclear weapons in the world. The United States needs to begin cooperating more fully with the international inspectors of the Chemical and Biological Weapons treaties so that these weapons of mass destruction can be eradicated as well. The United States needs to sign and ratify the treaty that bans landmines so that these terrible scourges can be removed from the Earth.

If you would like to support this educational candidacy, please send an e-mail to san@beck.org letting us know how you would like to help.

Social Responsibility

As stated in my political principles, I believe in balancing government's limited role in serving the public interest and protecting social justice while allowing as much personal freedom as possible in the marketplace of ideas and enterprise. I believe that western Europe has demonstrated the success of a mixed economy that socializes basic human needs such as education and health care without limiting business opportunities and competitive commerce.

The United States has lagged behind progress in public health care for about twenty years while taxing its people very heavily to pay for huge military expenditures. I believe that greatly reducing the military budget while providing a more efficient universal health care system will both greatly add to the prosperity of the American economy and improve the quality of life for all. I believe that the entire world is gradually progressing toward this balance as the Soviet Union and China have been experimenting with freer markets while the western capitalist nations have been increasing their socialized welfare systems in order to alleviate the poverty and unemployment that can accompany unfettered capitalist exploitation.

Because it is long overdue, I believe that providing universal medical care for all in the United States should be a high priority. This was first proposed by President Truman more than fifty years ago. Under a good health care system neither senior citizens nor anyone else would have to worry about how they are going to pay for needed medical treatments and prescription drugs. Dental care and treatment for mental illness would also be covered. The government would have to regulate how much the health care providers are paid, because otherwise the taxpayers could never afford to pay prices without any natural limit. People would be able to choose their doctors and health services, and the government would simply pay the providers a democratically determined fair price without any complicated insurance plans and excessive bureaucratic confusion or exploitative profits in the private sector. Essentially the people of the United States would be the employers of all health care workers. Optional services beyond what is considered basic health care needs such as cosmetic surgery and elective treatments such as counseling, massage, etc. would still be available in the private sector. Also such services, which are considered preventive or enhance staying healthy, may be partially covered by government subsidy with the person seeking the service paying the balance.

I believe in controlling dangerous drugs by high taxation instead of by criminalization. This could end the large social costs of the failed war on drugs that has punished so many people who need help and resulted in the violent gangsterism similar to Prohibition in the 1920s that was finally repealed in 1933. Studies indicate that the health care costs resulting from cigarette smoking amount to at least \$2 per pack; I believe this or even more should be the tax on cigarettes. The large number of people killed every year by drunk drivers should make us realize that alcohol also needs to have a higher tax. As to the currently illegal drugs, I believe that they still should be prohibited from minors. Such drugs can be regulated by the government so that at least quality control can make them somewhat less dangerous, and they should be taxed very highly according to the extent of their danger so that this money can be used to provide treatment programs for those who want to free themselves from these addictions. Also educational campaigns can warn people about the specific dangers of various drugs. Crimes committed by drug users, especially violent crimes, should be strictly prosecuted. Otherwise I believe that individuals should have as much freedom of choice as possible as long as they are not hurting others. I believe that individuals who wish to end their life in this physical body should be allowed to do so with the assistance of a physician after a counseling process.

If you would like to support this educational candidacy, please send an e-mail to san@beck.org letting us know how you would like to help.

[BECK index](#)

Mass. Courts Need 'Sweeping Changes,' Says Prestigious Panel

http://www.massnews.com/2003_Editions/2003_Print_Editions/04_Apr/040103_mn_mass_courts_need_sweep_changes.shtml

Ed Oliver, MassNews, 03-28-03

The Massachusetts Court system is "mired in managerial confusion" and in need of "sweeping changes" according to the scathing report issued to Chief Justice Margaret Marshall on March 3 by a panel of eight business and academic leaders.

Marshall appointed the committee last August, asking them to assess the system's managerial strengths and weaknesses and to recommend improvements.

The panel found the court system to be "dysfunctional" with only pockets of excellent performance. "The existing organization of the courts is unmanageable, inefficient and lacks accountability," it said.

Due to inequalities in the system, "some citizens receive better justice than others." Also, "morale is near the breaking point, and there is little concern for customer service. Employees cry out for leadership. The public wants reasonably priced, quick, and courteous justice, but often receives the opposite," the report states.

It states further, "These shortcomings affect a broad range of constituents, as well as court personnel. Taxpayers bear the burden of an unreasonably expensive system, witnesses and police officers are away from other responsibilities as they wait to testify, and litigants wait years for justice."

Bolstering the arguments of those who suspect Beacon Hill political agendas are polluting the court system, the report revealed, "As the many line items of the Courts' budget wind their way through committee, individual judges, clerks, and other officials lobby for their units to be funded, and back room deals abound."

Mindful of the need to save money, the panel pointed out that mismanagement of jurors is costing millions of dollars. "Jurors called for jury duty but not utilized," it said, "cost the Commonwealth's employers tens of millions of dollars." It found that only 12.4% of citizens who appeared for jury duty in 2001 were utilized. "If utilization were raised to 24%, it would save over 150,000 workdays and approximately \$23 million in wages for Massachusetts employers." The panel cautioned that, "Businesses avoid states with slow, unsteady courts."

Massachusetts courts have a reputation for being slow and costly, it says. A 2001 U.S. Chamber of Commerce survey of corporate attorneys ranked Massachusetts 45th in terms of timeliness, says the report.

Also, in a 2001 Massachusetts Bar Association survey of lawyers, judges received the lowest approval ratings for consideration, accorded to parties' time obligations and sensitivity to litigants' legal fees.

In another eye-opening statistic, the report says while the number of caseloads remained flat from 1994 to 2002, increasing only a fraction of a percent, the court budget increased a whopping 79 percent and the number of personnel increased 25 percent (even with layoffs).

Despite all that extra money and personnel, Massachusetts has four of the slowest counties in the nation in terms of time to disposition of civil trial cases, according to a 1996 Bureau of Justice Statistics survey of 45 of the most populous counties.

"Stopgap, piecemeal measures will not eradicate these deficiencies," said the Chairman of the Committee, Chancellor J. Donald Monan of Boston College. "The fundamental problem is that no one really knows who is in charge-at the local, regional or statewide level." Some in the Courts expressed concern to the Committee about interference of the Legislature in the management of the courts.

The Committee pointed out that although the SJC has general powers of oversight over all the courts, the authority within the Judiciary is often directly assigned by the Governor or Legislature, rather than delegated by the SJC. "For example," it said, "the Chief Justice for Administration and Management [Justice Barbara A. Dortch-Okara] has been established as a nearly autonomous authority to manage the Trial Court. The SJC is prohibited by statute from exercising or overriding those powers except in egregious circumstances." It is the same story at each layer of management, said the report. There is little ability to direct those below and little accountability to the one above.

As an example of waste and misallocation of resources, an interesting exhibit in the report shows how Suffolk County has too many courts of overlapping jurisdiction within a short distance of each other. Also, the District Courts of Suffolk County and the Boston Municipal Court receive over 70% more funding than the four western-most counties of Massachusetts, despite a similar number of cases entered.

The committee advised that "only a major transformation would provide relief to the court's problems." It provided 14 specific recommendations organized into three initiatives:

- Commit to new leadership norms and structures.
- Create a culture of high performance and accountability.
- Establish discipline in resource allocation and use.

The report should not be used as an excuse for courts to plead for more money, because the Committee says, "Reaching this goal does not require additional funding. Full implementation of this report would result in a less expensive and more effective Court system."

The name of the panel is: "Visiting Committee on Management in the Courts."

Sidebar: SJC Studying Ways To Improve Trial Transcripts

The panel which reported to Justice Marshall did not address the problems of recording trials and transcribing them because the SJC just established a separate Committee in February to see how they may be improved.

Chief Justice Margaret Marshall announced at the time, "The accurate and timely recording and transcription of trial proceedings is crucial to the fair, prompt and efficient judicial review of cases. Transcripts that are unduly delayed or that are incomplete or inaccurate seriously compromise the delivery of justice at every level of our court system. I am grateful to the members for devoting their time to this new endeavor, which will provide enormous benefit to the courts, the bar and the public."

Might this new study have been prompted in part by coverage in the past by MassNews of Zed McLarnon's missing and edited court tapes and his subsequent SJC and federal lawsuits over the incidents?

SJC spokesperson Joan Kenney tells MassNews, "The impetus for the Study Committee on Trial Transcripts was not a lawsuit, but persistent delays in the preparation of trial transcripts, producing delays in the progress of cases through the appeals process; and, to some extent, concerns about the accuracy of trial transcripts. It was also the push to technologically integrate court records management, case management, electronic filing, and public access via the web. Other reasons for the study are the difficulty in recruiting court reporters to work for the state courts, and the general desire of the Justices of the SJC to ensure that our court practices are in line with the best practices of a modern Judiciary."

MassNews asked if the Committee would take testimony from the public in this study. Kenney said: "The Committee is soliciting suggestions from court reporters and transcribers, but anyone having an interest or perspective on the issue is invited to send a letter to the Chair of the Study Committee, Judge Mark Green, at the Massachusetts Appeals Court, 15th floor, Suffolk County Courthouse, Boston 02108. The Committee includes representative court administrators, bar members and judges. After the Study Committee issues its report at the end of June, it is expected that the Justices will invite comments from the public."

Atty. Barbara Johnson tells MassNews that there are too few court reporters in the area and no more schools training them. She says it takes four years to build up the necessary speed of 120 words per minute.

"Many court reporters make over \$200,000 a year," she says. "I'm on a case where the court reporter is making approximately \$2500 a day, more than the judge, more than the clerk and more than the lawyers."

Johnson said justice is denied at the higher levels, such as at the Appeals Court and the SJC, because the average litigator cannot afford the transcripts.

"The criminally-charged, indigent defendants can get their transcripts paid for by the Commonwealth. The rich will pay, but Joe and Jane average simply cannot afford to appeal," says Johnson.

'Conveyor belt' to divorce

<http://www.washtimes.com/culture/20030325-10297244.htm>

Cheryl Wetzstein, Washington Times, 03-25-03

America's legal system should create "marriage hospitals" for troubled couples instead of just putting them on a "conveyor belt" to divorce, a former divorce mediator contends. The opposite view is that court-ordered reconciliation services already have been tried and dropped and what troubled couples need are services that help them achieve divorce amicably.

These competing outlooks illustrate America's ongoing struggle about whether divorce should become "normalized" or resisted with greater vigor.

Judy Parejko, a former divorce mediator in Wisconsin, believes the no-fault divorce reform of the 1960s is "a bait-and-switch" on the American people.

In the 1960s, legal analysts agreed on the wisdom of ending the practice of requiring a spouse to prove that the other was "at fault" for abandonment, abuse or adultery before a divorce could be granted, Mrs. Parejko wrote in her self-published book, "Stolen Vows: The Illusion of No-Fault Divorce and the Rise of the American Divorce Industry."

Many of these '60s divorce reformers, however, wanted to preserve marriage and, as a safeguard, called for the creation of comprehensive, court-run reconciliation services to help couples work out problems.

These services could have been like a "marriage hospital," where couples could be helped to resolve their differences and stay married or proceed with divorce with less acrimony, said Mrs. Parejko, who researched 1960s documents for her book.

When California's landmark no-fault reform was enacted in 1969, though, the marriage-saving services weren't part of the package, having been jettisoned as too expensive, Mrs. Parejko said. No-fault divorce, which had been pitched as a benefit to couples who both wanted to divorce, was allowed if only one spouse wanted it.

These changes turned the legal system into "a conveyor belt" for divorce, making it guaranteed for any spouse who could hire an attorney, Mrs. Parejko said, regardless of any wrongdoing and regardless of the wishes of the other spouse.

Marriage counseling is not new. Before no-fault divorce was passed, troubled couples routinely were ordered to see marriage counselors, countered Peter Salem, executive director of the Association of Family & Conciliation Courts in Madison, Wis.

These reconciliation services were well-intended, he said, but many times couples didn't want the services and just went through the motions. The courts eventually stopped referring couples to marriage counseling "because the demand dried up."

"Courts try to serve the needs of the clients who come to them," Mr. Salem said. "In divorce, they've taken a legal action. The court's responsibility is to assess that legal situation and respond to the legal action."

He noted that dozens of courts now require parent education and/or mediation services to promote constructive resolution of family conflict.

Divorce remains common in America. In 2000, 18.9 divorces were reported per 1,000 married women, according to the National Marriage Project at Rutgers University. That was a smaller rate than the 19.8 divorces per 1,000 married women in 1999 and considerably lower than the peak rate of 22.6 divorces per 1,000 wives in 1980.

In the 1960s, before no-fault divorce swept America, the rate was a modest 9.2 divorces per 1,000 married women.

Many social scientists argue that Americans should accept divorce as a part of family life.

"In 1867, less than 10 percent of all marriages in the United States ended in divorce; by 1985, that figure had grown to over 50 percent," clinical psychologist and family therapist William M. Pinsof wrote last year in *Family Process*, a journal on family research.

This meant that by the end of the 20th century, "divorce replaced death as the 'normal' endpoint of most marriages," Mr. Pinsof wrote. "It is time to move beyond thinking about the divorce rate as an indicator of a social disorder that must be reduced, to thinking about it more neutrally and inquisitively," he concluded, calling for more research into helping people deal with this new "marital reality."

The idea that divorce could be a normal part of family life was the same old thinking that animated the 1970s reformers, said David Blankenhorn, president of the Institute for American Values.

Back then, he said, "there was a kind of utopianism about the possibilities of divorce ... that divorce could be liberating and there could be renewal through separation."

"Now there's a general sense that we're tired of divorce, that this is not something we would wish on our children. And it even seems naive to think that we could have a 30 or 40 percent divorce rate and everything would be just fine," Mr. Blankenhorn said.

'Conveyor belt' to divorce (Continued)

John Crouch, executive director of Americans for Divorce Reform in Arlington, said a significant change in divorce law would be to deny no-fault divorces in cases where a couple has minor children or if one spouse doesn't want it. The group tracks such laws on its Web site, www.divorcereform.org.

Meanwhile, in Michigan, two judges are trying their own approaches to divorce reform.

Wayne County Circuit Court Judge Helen E. Brown, who handles divorce and related custody and support cases, has promoted a mediation program with the potential to help divorcing couples consider reconciling. Most couples who took the mediation program didn't return to the court for services.

However, that mediation program was dropped in favor of another one that focused on counseling couples about their divorces; its major innovation was that the divorce counseling was conducted without attorneys present.

The court is "not interested in reconciliation," Judge Brown said.

"The judges' interest is in having good statistics how many [divorce] cases are on my docket, how many are finished in a timely manner," she said. Anything including reconciliation that slows down that "assembly line" is not wanted."

District Court Judge James E. Sheridan in Adrian, Mich., doesn't officiate over divorces, but he can officiate over marriages, and he has adopted a policy not to marry anyone unless they have taken premarital education courses.

He also has persuaded several other judges, magistrates and mayors to follow suit.

"None of these folks will grant a marriage license without a premarital inventory, communication skills and dispute-resolution classes," he said.

Judge Sheridan supports the concept of a court-related "marriage hospital" as something "that's so obvious that it borders on the no-brainer." However, he also said "it doesn't really matter" what divorce reformers intended 35 years ago.

"What's important is what we've learned since," Judge Sheridan said, "and we've learned through experience that [divorce] has been a disaster and it's time to try something different."

Privacy Groups Fight Government Data Mining

http://story.news.yahoo.com/news?tmpl=story&u=/pcworld/20030325/tc_pcworld/109985

Grant Gross, IDG News Service, 03-25-03

WASHINGTON--A coalition of privacy groups called on the U.S. Congress to halt creation of a federal database of airline-passenger profiles until more details are available, such as who would be included in the database and how it would be operated. Meanwhile, at a U.S. House of Representatives hearing today, the White House's chief information officer questioned whether the data-mining program would be effective.

At that hearing, a law professor and a congressman disagreed over whether Congress should regulate government data-mining efforts, while most witnesses praised the use of data analysis for everything from reducing credit card abuse in government to catching terrorists.

Rights Violation?

Jeffrey Rosen, a law professor at George Washington University and legal affairs editor of *The New Republic* magazine, said that "suspicionless surveillance of large groups of people" would violate the Fourth Amendment of the U.S. Constitution, which guarantees freedom from unreasonable searches and seizures.

Rosen said that the U.S. Department of Defense's Total Information Awareness (TIA) research project, which focuses on surveillance through mass data mining, and the Transportation Security Administration's proposed second version of the Computer Assisted Passenger Prescreening System are examples of such "mass dataveillance."

"It's possible to design data-mining technologies in ways that strike better rather than worse balances between liberty and security," Rosen told the Subcommittee on Technology, Information Policy, Intergovernmental Relations and the Census. That subcommittee falls under the House Committee on Government Reform.

"I urge Congress to accept the task of learning about the design choices inherent in these technologies. You have it in your power to strike a thoughtful balance between liberty and security, and all you need now is the will," he said.

The New Oil

Congress has decided to [put a hold on](#) the hotly debated TIA project, but Rep. Tom Davis, a Republican from Virginia who chairs the full Government Reform committee, suggested that regulating data mining would slow the benefits of such technology.

Calling information retrieval the "oil of the 21st century," Davis said that the benefits of data analysis are many. "My theory is we need to be slow about coming in and over-regulating sometimes," he said. "You let the industry come up with its own protocols before the government comes in and starts imposing a regulatory and taxing regime that could really stifle the growth and potential of this."

Rosen asked Davis to consider whether data sharing that's appropriate in private industry would be appropriate in national security agencies. "Much of the history of our privacy laws for the past 50 years have been based on the idea that completely unregulated information sharing is not consistent with the values of the Constitution or American citizens," Rosen said.

"We don't want every low-level information officer in the field to know...that I'm late on my child-support payments or that I'm late on my credit card. Complete transparency of information--total unregulated use, which many Silicon Valley people are urging--wouldn't be consistent with the values of the Fourth Amendment."

Rosen expressed doubt that huge government data-mining programs would be effective enough to warrant the added intrusion, but Davis argued that most of the information to be used and analyzed in the comprehensive database is already available on separate government databases. "We know, for example, with the terrorists on 9/11, the information was out there," he said. "Had we been able to collate that information and get that in one place, we could have prevented that from happening. That's something you list as an infringement on privacy, but what do you say to the victims and the families of the 3000 people who died that day?"

Privacy Groups Protest

Meanwhile, a coalition of civil liberties and privacy groups, including the Electronic Frontier Foundation, the Electronic Privacy Information Center, and the Center for Democracy and Technology, wrote a letter to Davis and ranking committee Democrat Henry Waxman, urging Congress to stop the CAPPS II program unless it was proved to be effective and consistent with privacy principles. Saying CAPPS II would attempt to assess the security risk of every single airline passenger based on commercial and government data, the letter asks Congress to "start asking questions about CAPPS II now."

Mark Forman, associate director for information technology and e-government in the White House's Office of Management and Budget, said at the hearing that he, too, was waiting for details about CAPPS II, and that the Transportation Security Administration was tardy in answering his request. It doesn't make sense for the government to spend "hundreds of millions of dollars on a new IT system with very pretty screens" if it doesn't protect the U.S. against terrorism, said Forman, who is often referred to as the White House's CIO.

The Transportation Security Administration didn't have an immediate comment on the letter or on Forman's remarks.

Privacy Groups Fight Government Data Mining (Continued)

Beyond the proposed CAPPs II or TIA, the federal government doesn't seem to have the kind of mass data-mining programs that Rosen is worried about, Forman added. Forman said that in a search of government resources in preparation for the House hearing, he found no data-mining efforts that searched databases without first pinpointing a suspect.

During most of the hearing, a series of witnesses praised the potential of some data-mining applications. Paula Dockery, a state senator from Florida, said that the state has used data mining to gather information on suspected criminals, but the state required a reasonable suspicion before its Financial Crime Analysis Center turned its data analysis on a suspect.

Gregory Kutz, director of financial management and assurance for the U.S. General Accounting Office, said his agency has used data mining to catch government employees using office credit cards for everything from escort services to Internet gambling to a down payment on a home. Kutz presented as evidence records of personal purchases that a government employee made recently using a government credit card during a four-day shopping spree, in which the user ran up charges of more than \$9100 at various retail stores.

Rosen said that he didn't object to targeted investigations like those at Kutz's agency, but he argued that mass sharing of data between government agencies may violate federal privacy laws. "If you're in any way concerned about restrictions on information sharing...you're going to have to think about this issue afresh and decide to craft essential regulations for these new technologies," he told the subcommittee.

New Welfare System Seen as 'Recession-Proof'

NATION : Most ex-recipients have held on to their jobs even as unemployment rises in general.

But some say stability in the rolls signals trouble.

<http://www.latimes.com/news/nationworld/nation/la-na-welfare24mar24,1,6798765.story>

Elizabeth Shogren, Times Staff Writer, 03-24-03

CHICAGO -- Eleven months ago, when the local unemployment rate was steadily rising, Shantrese Burkes was defying the trend. A welfare mom with three kids, she landed a \$9-an-hour job as a cashier at a cafe attached to a gas station.

She didn't stop there. Two promotions later, Burkes, 28, is earning \$27,000 a year as the cafe's manager and is eyeing her next step up the ladder.

Burkes could be a poster child for the welfare overhaul of 1996, when Congress limited lifetime benefits to five years and encouraged states to require recipients to go to work.

At that time, advocates for the poor predicted that the program would end in disaster for those who lost their safety net. When, instead, welfare recipients flocked to jobs during the booming second half of the 1990s, advocates warned of an unraveling when the economy finally turned sour.

The economy is now in its third sour year. But to the surprise of many of reform's loudest boosters, onetime welfare recipients have held on to most of their gains in the job market -- even as jobless rates among the general population are rising. Welfare rolls have remained level nationwide, and continued to decline in Chicago and other big cities.

"The forecast that somehow a recession was going to dramatically undermine the gains we have seen in five years simply did not happen," said Wade F. Horn, assistant secretary for children and families at the Department of Health and Human Services. "The new welfare program is relatively recession-proof."

Burkes' success story has been duplicated hundreds of thousands of times around the country. Job placement professionals say they can still find work for most of their welfare clients -- and that when they do, the clients are invariably better off than they were on the dole.

The '96 law, they say, has brought about a significant cultural shift among poor, single mothers. Work has taken the place of welfare checks for millions of them as the primary way that they expect to support their families -- exactly what reform sponsors had hoped.

Some poverty experts, however, find the failure of the welfare rolls to rise in tandem with unemployment to be an ominous trend. To them, it suggests that more and more people are slipping through the cracks between welfare and work.

In Chicago, former welfare recipients tell of friends who resorted to hustling drugs and sex to support families after their jobs withered. They tell of others who moved in with a succession of relatives before taking their chances at a homeless shelter.

"But whatever has happened hasn't happened in massive numbers," said Harry Holzer, a professor of public policy at Georgetown University. "Part of that may be due to the fact that so far, the recession has been relatively mild."

Even the bleak job market has been easy on welfare reform. Low-paying jobs have weathered the downturn better than others.

In Chicago, with an unemployment rate of 8.1% in January compared with the national level of 5.8%, many welfare recipients are still moving into low-rung jobs as home health-care workers, day-care providers and janitors. At the bottom of the ladder there is opportunity to climb.

"I came in as a cashier in April," Burkes said. "In three months I became an assistant manager, and in three more months I became the manager."

Ten people report to her, and she has hired other former welfare recipients. "I snatched my sister off welfare and gave her a job," Burkes said with a smile. "My sister-in-law too."

Burkes' children, ages 7 to 11, also enjoy their mother's success. "They can't wait until payday; that's when they get their allowance," Burkes said.

Nationwide, never-married mothers such as Burkes -- the group that had most commonly relied on welfare -- have flocked into the workplace. Only 47% of such women were employed in 1994, according an analysis of census data by the nonpartisan Urban Institute. By 2000, 69% had jobs, a figure that dropped slightly, to 68%, in 2002.

"We haven't seen the kind of drop-off [in employment] that people were most worried about, and that seems to be reflected in the welfare rolls themselves not jumping up dramatically," said Robert Lerman, an economist at the Urban Institute and American University in Washington.

One reason: People who were long-term welfare recipients in 1996 have become connected to the workforce. Some remain with their original employers and are promoted; some lose their first jobs but find others.

New Welfare System Seen as 'Recession-Proof' (Continued)

Rita Flowers, who like Burkes lives on Chicago's impoverished west side, used to personify the dependency Congress sought to break when it overhauled benefits. She had received welfare for 16 years, had six children, and couldn't imagine life without public aid.

But four years ago, she started working as a child-care provider for \$5.20 an hour. Now she's a head teacher at her day-care center, earning \$1,054 every two weeks, about \$13.20 an hour.

"I can afford to do things with my kids and pay bills on time, and sometimes I have change left," Flowers said.

Some poverty experts stress that success stories like these disguise the dark consequences of welfare reform.

"It's an obvious puzzle: Why didn't welfare rolls grow in a recession?" said Wendell Primus, who quit his job as a welfare policy specialist in the Health and Human Services Department in protest when President Clinton signed the GOP-written reform bill. "A safety net ought to respond to a recession; there is something wrong if it doesn't."

Primus went to the Center on Budget and Policy Priorities, where he studied how the poorest 20% of single mothers were doing under reform. In 1993, he found, 18% of this group received neither a welfare check nor a paycheck. By 2001, that slice had grown to 39%, or about 400,000.

"How are they making a go of it? We don't know," said Primus, who has since become an economist for Congress' Joint Economic Committee, a bipartisan House-Senate panel that studies economic issues. "I do think life is a lot harder for that group than it was before 1996."

The goal of Congress' welfare reformers was to end reliance on the dole. Many states made requirements for getting welfare so onerous that some people are making do without benefits rather than deal with them.

The rules drove others into the job market. To get a welfare check under the new federal program -- which Congress pointedly named Temporary Assistance to Needy Families -- recipients have to pursue some activity related to work. Depending on the state, that might mean attending school or a job preparation program, picking up trash on city streets or doing office work for a charity.

Linda Dix, a 42-year-old mother of two, is back on welfare after leaving the dole for a job in the late '90s. But she is determined to make this stay on welfare brief.

"I'm not going to volunteer 30 hours for just \$292 a month," she said.

In Cook County, where Chicago is, welfare caseloads dropped by about one-quarter in each of the last two years. Statewide, about 42,000 Illinois families received welfare as of January; in 1996, the caseload was 226,000.

Nationwide, rolls have stabilized at about 2 million families, down from a peak of 5 million in 1994.

California's rolls also are declining, but only in single digits after shrinking by almost half between 1996 and 2000. In Los Angeles, caseloads declined by 7.7% from October 2001 to October 2002, more than twice the statewide average, according to analysis by the nonprofit California Budget Project. This was true even though the average unemployment rate increased a full percentage point between 2001 and 2002, to 6.7%.

One of the consequences of rising unemployment rates is that episodes of joblessness last longer. "It's taking us a much longer time to help them get into employment," said Steve Redfield, executive director of STRIVE Chicago Employment Services, which helps welfare recipients find jobs.

In the meantime, many former welfare recipients find themselves forced to draw down some of their five-year lifetime allotment of benefits.

In Illinois, only about 60 parents have exhausted their benefits so far. Freddie Hopkins, a 36-year-old mother of seven, is one of them.

"I was trying to find a job before it ran out," Hopkins said. Her history of drug convictions did not make her job search any easier. "The background keeps following me," she said.

Nonetheless, STRIVE helped her get a training position with the local Hospitality Academy, which pays her the federal \$5.15-an-hour minimum wage while she learns a job she'd actually like to have -- cleaning in hotels.

"I have children, so I know about cleaning," Hopkins said. While in jail, she even volunteered to clean facilities there.

Hopkins does not want to think about what would happen if she does not land a job when her training program is over.

"I don't even know," she said. "I'm taking it one day at a time."

American Legal System Is Corrupt Beyond Recognition, Judge Tells Harvard Law School

http://www.massnews.com/2003_Editions/3_March/030703_mn_american_legal_system_corrupt.shtml

Geraldine Hawkins, MassNews, 03-07-03

The American legal system has been corrupted almost beyond recognition, Judge Edith Jones of the U.S. Court of Appeals for the Fifth Circuit, told the Federalist Society of Harvard Law School on February 28.

She said that the question of what is morally right is routinely sacrificed to what is politically expedient. The change has come because legal philosophy has descended to nihilism.

"The integrity of law, its religious roots, its transcendent quality are disappearing. I saw the movie 'Chicago' with Richard Gere the other day. That's the way the public thinks about lawyers," she told the students.

"The first 100 years of American lawyers were trained on Blackstone, who wrote that: 'The law of nature ... dictated by God himself ... is binding ... in all counties and at all times; no human laws are of any validity if contrary to this; and such of them as are valid derive all force and all their authority ... from this original.' The Framers created a government of limited power with this understanding of the rule of law - that it was dependent on transcendent religious obligation," said Jones.

She said that the business about all of the Founding Fathers being deists is "just wrong," or "way overblown." She says they believed in "faith and reason," and this did not lead to intolerance.

"This is not a prescription for intolerance or narrow sectarianism," she continued, "for unalienable rights were given by God to all our fellow citizens. Having lost sight of the moral and religious foundations of the rule of law, we are vulnerable to the destruction of our freedom, our equality before the law and our self-respect. It is my fervent hope that this new century will experience a revival of the original understanding of the rule of law and its roots.

"The answer is a recovery of moral principle, the sine qua non of an orderly society. Post 9/11, many events have been clarified. It is hard to remain a moral relativist when your own people are being killed."

According to the judge, the first contemporary threat to the rule of law comes from within the legal system itself.

Alexis de Tocqueville, author of Democracy in America and one of the first writers to observe the United States from the outside looking-in, "described lawyers as a natural aristocracy in America," Jones told the students. "The intellectual basis of their profession and the study of law based on venerable precedents bred in them habits of order and a taste for formalities and predictability." As Tocqueville saw it, "These qualities enabled attorneys to stand apart from the passions of the majority. Lawyers were respected by the citizens and able to guide them and moderate the public's whims. Lawyers were essential to tempering the potential tyranny of the majority.

"Some lawyers may still perceive our profession in this flattering light, but to judge from polls and the tenor of lawyer jokes, I doubt the public shares Tocqueville's view anymore, and it is hard for us to do so.

"The legal aristocracy have shed their professional independence for the temptations and materialism associated with becoming businessmen. Because law has become a self-avowed business, pressure mounts to give clients the advice they want to hear, to pander to the clients' goal through deft manipulation of the law. ... While the business mentality produces certain benefits, like occasional competition to charge clients lower fees, other adverse effects include advertising and shameless self-promotion. The legal system has also been wounded by lawyers who themselves no longer respect the rule of law,"

The judge quoted Kenneth Starr as saying, "It is decidedly unchristian to win at any cost," and added that most lawyers agree with him.

However, "An increasingly visible and vocal number apparently believe that the strategic use of anger and incivility will achieve their aims. Others seem uninhibited about making misstatements to the court or their opponents or destroying or falsifying evidence," she claimed. "When lawyers cannot be trusted to observe the fair processes essential to maintaining the rule of law, how can we expect the public to respect the process?"

Lawsuits Do Not Bring 'Social Justice'

Another pernicious development within the legal system is the misuse of lawsuits, according to her.

"We see lawsuits wielded as weapons of revenge," she says. "Lawsuits are brought that ultimately line the pockets of lawyers rather than their clients. ... The lawsuit is not the best way to achieve social justice, and to think it is, is a seriously flawed hypothesis. There are better ways to achieve social goals than by going into court."

Jones said that employment litigation is a particularly fertile field for this kind of abuse.

American Legal System Is Corrupt Beyond Recognition (Continued)

"Seldom are employment discrimination suits in our court supported by direct evidence of race or sex-based animosity. Instead, the courts are asked to revisit petty interoffice disputes and to infer invidious motives from trivial comments or work-performance criticism. Recrimination, second-guessing and suspicion plague the workplace when tenuous discrimination suits are filed ... creating an atmosphere in which many corporate defendants are forced into costly settlements because they simply cannot afford to vindicate their positions.

"While the historical purpose of the common law was to compensate for individual injuries, this new litigation instead purports to achieve redistributive social justice. Scratch the surface of the attorneys' self-serving press releases, however, and one finds how enormously profitable social redistribution is for those lawyers who call themselves 'agents of change.'"

Jones wonders, "What social goal is achieved by transferring millions of dollars to the lawyers, while their clients obtain coupons or token rebates."

The judge quoted George Washington who asked in his Farewell Address, "Where is the security for property, for reputation, for life, if the sense of religious obligation desert the oaths ... in courts of justice?"

Similarly, asked Jones, how can a system founded on law survive if the administrators of the law daily display their contempt for it?

"Lawyers' private morality has definite public consequences," she said. "Their misbehavior feeds on itself, encouraging disrespect and debasement of the rule of law as the public become encouraged to press their own advantage in a system they perceive as manipulatable."

The second threat to the rule of law comes from government, which is encumbered with agencies that have made the law so complicated that it is difficult to decipher and often contradicts itself.

"Agencies have an inherent tendency to expand their mandate," says Jones. "At the same time, their decision-making often becomes parochial and short-sighted. They may be captured by the entities that are ostensibly being regulated, or they may pursue agency self-interest at the expense of the public welfare. Citizens left at the mercy of selective and unpredictable agency action have little recourse."

Jones recommends three books by Philip Howard: *The Death of Common Sense*, *The Collapse of the Common Good* and *The Lost Art of Drawing the Line*, which further delineate this problem.

The third and most comprehensive threat to the rule of law arises from contemporary legal philosophy.

"Throughout my professional life, American legal education has been ruled by theories like positivism, the residue of legal realism, critical legal studies, post-modernism and other philosophical fashions," said Jones. "Each of these theories has a lot to say about the 'is' of law, but none of them addresses the 'ought,' the moral foundation or direction of law."

Jones quoted Roger C. Cramton, a law professor at Cornell University, who wrote in the 1970s that "the ordinary religion of the law school classroom" is "a moral relativism tending toward nihilism, a pragmatism tending toward an amoral instrumentalism, a realism tending toward cynicism, an individualism tending toward atomism, and a faith in reason and democratic processes tending toward mere credulity and idolatry."

No 'Great Awakening' In Law School Classrooms

The judge said ruefully, "There has been no Great Awakening in the law school classroom since those words were written." She maintained that now it is even worse because faith and democratic processes are breaking down.

"The problem with legal philosophy today is that it reflects all too well the broader post-Enlightenment problem of philosophy," Jones said. She quoted Ernest Fortin, who wrote in *Crisis* magazine: "The whole of modern thought ... has been a series of heroic attempts to reconstruct a world of human meaning and value on the basis of ... our purely mechanistic understanding of the universe."

Jones said that all of these threats to the rule of law have a common thread running through them, and she quoted Professor Harold Berman to identify it: "The traditional Western beliefs in the structural integrity of law, its ongoingness, its religious roots, its transcendent qualities, are disappearing not only from the minds of law teachers and law students but also from the consciousness of the vast majority of citizens, the people as a whole; and more than that, they are disappearing from the law itself. The law itself is becoming more fragmented, more subjective, geared more to expediency and less to morality. ... The historical soil of the Western legal tradition is being washed away ... and the tradition itself is threatened with collapse."

Judge Jones concluded with another thought from George Washington: "Of all the dispositions and habits which lead to prosperity, religion and morality are indispensable supports. In vain would that man claim the tribute of patriotism who should labor to subvert these great pillars of human happiness - these firmest props of the duties of men and citizens."

Upon taking questions from students, Judge Jones recommended Michael Novak's book, *On Two Wings: Humble Faith and Common Sense*.

"Natural law is not a prescriptive way to solve problems," Jones said. "It is a way to look at life starting with the Ten Commandments."

American Legal System Is Corrupt Beyond Recognition (Continued)

Natural law provides "a framework for government that permits human freedom," Jones said. "If you take that away, what are you left with? Bodily senses? The will of the majority? The communist view? What is it - 'from each according to his ability, to each according to his need?' I don't even remember it, thank the Lord," she said to the amusement of the students.

"I am an unabashed patriot - I think the United States is the healthiest society in the world at this point in time," Jones said, although she did concede that there were other ways to accommodate the rule of law, such as constitutional monarchy.

"Our legal system is way out of kilter," she said. "The tort litigating system is wreaking havoc. Look at any trials that have been conducted on TV. These lawyers are willing to say anything."

Potential Nominee to Supreme Court

Judge Edith Jones has been mentioned as a potential nominee to the Supreme Court in the Bush administration, but does not relish the idea.

"Have you looked at what people have to go through who are nominated for federal appointments? They have to answer questions like, 'Did you pay your nanny taxes?' 'Is your yard man illegal?'"

"In those circumstances, who is going to go out to be a federal judge?"

Judge Edith H. Jones has a B.A. from Cornell University and a J.D. from the University of Texas School of Law. She was appointed to the Fifth Circuit by President Ronald Reagan in 1985. Her office is in the U.S. Courthouse in Houston.

The Federalist Society was founded in 1982 when a group of law students from Harvard, Stanford, the University of Chicago and Yale organized a symposium on federalism at Yale Law School. These students were unhappy with the academic climate on their campuses for some of the reasons outlined by Judge Jones. The Federalist Society was created to be a forum for a wider range of legal viewpoints than they were hearing in the course of their studies.

From the four schools mentioned above, the Society has grown to include over 150 law school chapters. The Harvard chapter, with over 250 members, is one of the nation's largest and most active. They seek to contribute to civilized dialogue at the Law School by providing a libertarian and conservative voice on campus and by sponsoring speeches and debates on a wide range of legal and policy issues.

The Federalist Society consists of libertarians and conservatives interested in the current state of the legal profession. It is founded on three principles: 1) the state exists to preserve freedom, 2) the separation of governmental powers is central to our Constitution and 3) it is emphatically the province and duty of the judiciary to state what the law is, not what it should be.

Trial Mix - The People v. Robert Blake

http://story.news.yahoo.com/news?tmpl=story&u=/vv/20030308/lo_laweekly/42431

Steven Mikulan [LA Weekly](#) Writer , 03-07-03

"An aged man is but a paltry thing," W.B. Yeats famously wrote, "A tattered coat upon a stick." Of course, the poet had never sat in on an L.A. murder court, where attire is everything. Years ago, Hollywood nightclub owner Eddie Nash stood trial in herringbone tweeds that made him look like the avuncular chair of a Near Eastern Studies department instead of the auteur of the Wonderland Avenue slayings. On the other hand, as I remember, silver-haired Lanie Greenberger, accused of masterminding the Cotton Club murder case, seemed like a harmless grandma in her ill-fitting jailhouse smock. By bribe, evidence or on appearance, Nash beat his rap while Greenberger got life without parole.

Last week Robert Blake shuffled into Division 104 of the Van Nuys Superior Court wearing a cobalt-blue chalk-stripe suit, white shirt and dark tie. Although Blake's clothes hung on his gaunt frame like a scarecrow's cerements, they still lent Blake some needed panache during hearings to determine whether or not he will stand trial for murdering Bonnie Lee Bakley. The night before, ABC had aired his bizarre interview with Barbara Walters. During court recesses, the division's corridor hummed with chatter about that opera buffa. Blake's picaresque friend and stalwart supporter John Solari — he of a linen blazer, Burberry raincoat and white Nikes — was heard denouncing the morality of Walters' sweeps-week coup and darkly predicted a karmic reward for her.

So continued a two-week laying out of cards as prosecutors showed Superior Court Judge Lloyd Nash what they had on Blake, while the actor's lawyers tried to dismiss it all as laughably circumstantial. Blake's blue-suit day was dominated by defense attorney Thomas Mesereau Jr.'s cat-and-mouse cross-examination of Gary McLarty, one of two stuntmen who claim Blake tried to hire him to kill his wife. McLarty is an affable-looking lug of 63 who's spent most of his life falling out of cars and rolling down ravines for acting stars, including Blake on *Baretta*. He told prosecutor Patrick Dixon that, after 17 years of not seeing Blake, the actor suddenly arranged to meet him one day at Du-par's on Ventura Boulevard.

Immediately afterward, according to McLarty, the two returned to Blake's Studio City home where the *Baretta* star showed the stuntman a nude picture of Bakley and dropped helpful pointers about how one might enter the house at night to kill her, if one were in such a mood. Even under Dixon's gentle prodding, McLarty soon betrayed what would be a major liability — his London-fogged memory and a tendency to so thoroughly distance himself from anything untoward-looking that McLarty appeared to have been a visitor from another planet.

When did McLarty last work with Blake? --- "Boy . . . somewhere in the '70s."

Where was Du-par's located? --- "Somewhere in the Valley."

Had McLarty ever been arrested for killing a man? --- "Once. It was a self-defense thing."

What was his response to Blake's murder proposition? --- "I said, 'Hey, listen — why don't you give me a call.'"

Then, after McLarty supposedly told Blake he didn't own a gun, Blake unzipped a firearms carrying case. --- "He revealed a gun and said, 'Well, here's a gun,' and I said, 'Yeah, it sure is.'"

Mesereau, Blake's lead attorney, himself an imposing man with a mane of white hair that almost touches his shoulders, wasted no time picking McLarty apart as soon as Dixon had finished. The stuntman's memory — and hearing — seemed even more selective and fragile under cross-examination. McLarty claimed that in nearly 40 years in Hollywood, he could remember but a single acting role and only one film project that he tried to initiate: --- "It was a period thing set in 2067 . . . I can't . . . I'm lost . . . I'll have to get back to you." Mesereau did not hammer McLarty with his innuendo-soaked questions, but patiently led him along, reminding him that he'd killed a houseguest with a .357 Magnum that he'd tossed into a remote canyon afterward.

"How many of those six shots were in self-defense?" Mesereau asked sarcastically. --- "Every shot was in self-defense," the hapless McLarty sputtered.

Tormenting McLarty about his five-day wait before he contacted the LAPD after Bakley's murder, Mesereau asked, "When did you change your mind to tell the truth?" --- "The whole thing was overwhelming," McLarty answered. "Lying to the police *can* be overwhelming," agreed Mesereau.

After Mesereau got him to admit that he had been a longtime cocaine user and suggested that McLarty had child-support warrants quashed in exchange for his testimony against Blake, McLarty asked Judge Nash if he could take a break. When the judge granted his request, Mesereau turned around to the court with a big smile on his face.

Many of us in the press and spectator seats returned the smile, not the least because, perhaps, we recognized in McLarty's rambling prevarications our own futile struggles to remain heroes in the movie that is our daily lives. But the Mesereau-McLarty give-and-take also exposed a hidden vein of Hollywood anthropology, the rough camaraderie of stuntmen and their proximity to violence, drugs and warrants. Despite the yawning gulfs in McLarty's recollections, he spoke fondly of friends he had known for 30 years, the times they would ride their motorcycles in the desert, the parties on their ranches, their funerals and their nicknames for one another. (His, improbably, was Whiz Kid, and Ronald Hambleton, the other stuntman allegedly contacted by Blake for the hit, was called Duffy, while yet another case-related stuntman's was Snuffy.)

The next day came the revelation that Detective Ron Ito (no relation to Lance) had been accompanied in his investigations by a book writer and *L.A. Times* reporter who had been allowed to handle evidence. It was yet another glimpse into a town where crime, celebrity and spin often converge with disastrous results — at least, possibly, as far as the prosecution is concerned.

At no point in the hearing did Blake turn around to the court, although during lulls his old-school friend Solari would mumble Frank Sinatra's "Scoobie doobie doo" refrain from "Strangers in the Night." It was as though Blake weren't even there. The night before, Walters had asked Blake about the effects of his ordeal. "They took away my past!" Blake shouted. "They took away who I was — my whole life!" Then he subsided into a sullen calm. Clearly, Blake had lost the will to act, and this should cause his jailers the deepest concern.

Court Delays, Extended Stays

Scheduling problems in Hampton take toll on the incarcerated
<http://www.dailypress.com/news/yahoo/dp-60627sy0mar02.story>

Jessie Halladay, VA Daily Press, 03-02-03

HAMPTON -- Johnny Hinton knows he has to pay child support, but when he was thrown in the Hampton city jail Feb. 7 for failing to appear in court, he thought he'd get processed out in a matter of days.

That's what the law requires, but that's not what has happened - to Hinton and nearly 100 other people. They're the folks paying the price for problems in the Hampton Circuit Court clerk's office, which has been unable to schedule those people for court appearances despite warnings, and then an order from the city's judges.

Hinton, 36, remains in jail with no attorney and no idea when he'll be able to see a judge for the first time, or get some answers. Dozens of others have experienced the same problem, remaining in jail for weeks awaiting a court date, when state law says they should wait only days.

Some have gotten to court earlier, but only because they either already had lawyers looking out for them, had the money to hire an attorney from their jail cell, or just got lucky with the clerk's scheduling.

The city's judges thought they'd solved the problem when they issued an order on Jan. 31, reminding Clerk of Court James Bohnaker that he had to adhere to state law in scheduling these people to be brought from jail to the courthouse, so they could have a chance at freedom or a hearing on their case. Bohnaker said the problem began when he had to cut back his staff in November because of cuts mandated by Gov. Mark Warner.

But Chief Judge Christopher Hutton said he wasn't aware until Friday that Hinton and others like him had court dates stretching until late March. Hutton said that wasn't acceptable, and that he and the other judges would meet early Monday to figure out how to get them to court sooner.

Court records show that Hinton will get a hearing in Hampton Circuit Court on March 12 - nearly five weeks after he went to jail.

He was arrested during a traffic stop in January in Louisiana, where he said he'd gone to earn the money to pay his child support.

He said he knew the Hampton court held him responsible for missing some child support payments, but didn't know that he'd been charged with failing to appear in court. He said he probably didn't get a notice to appear in court because he left Virginia for Louisiana.

Hinton didn't fight the authorities' attempts to bring him back to Virginia to face the charges.

He said he trusted the system to handle his case fairly, which he figured would mean going to jail for a few days, going before a judge and then being allowed to leave and make the money to pay his ex-wife.

But he doesn't believe that any more.

Virginia law says someone arrested by judge's order, as Hinton was, should be brought before a judge on the next day court is open after the arrest. Judges usually issue bench warrants for failing to appear in court or probation violations.

A Hampton Sheriff's Office spokeswoman said that nearly 100 people have been arrested on bench warrants, also known as capias, since November. A Daily Press search of court records on those people showed that few, if any, got a first hearing before a judge in the timeframe mandated by Virginia law.

Hinton didn't know about the law - he just knew logic told him he should have seen a judge by now.

"I don't feel good about the system," Hinton said from behind a glassed-in wall at the Hampton jail Friday. "I thought the system was much more organized than this. I feel they say we'll get to you when we can."

Hampton's four circuit court judges first noticed the scheduling delays about mid-December. After trying to address the issue with Bohnaker, the four judges finally issued a court order Jan. 31 that demanded the clerk schedule the hearings in a more timely fashion, Hutton said.

Bohnaker said he knew there were delays in getting people waiting in jail scheduled for hearings. As a result of having to trim \$70,000 from his budget, Bohnaker laid off four people from his staff. The person who had been taking care of scheduling the court docket, and was making sure that bench warrants were handled properly, was reassigned to cover some of their duties processing other criminal cases at the judges' insistence, Bohnaker said.

That left no one responsible full-time for the scheduling - and made the delays unavoidable, Bohnaker said.

Since the Jan. 31 order from the judges, Bohnaker said, he has shifted staff to take control of the docket.

Court Delays, Extended Stays (Continued)

After hearing cases Friday and looking at Monday's schedule, Hutton said, he noticed several cases that are still not getting heard fast enough.

"I'm not satisfied that they are getting processed quickly enough," said Hutton. "It's better that at least they're being set, but they aren't getting set quickly enough."

Bohnaker said his staff is doing the best it can. Part of the delay in scheduling now is because the clerks are trying to get defendants before the judges that originally heard their cases, Bohnaker said. Another problem is finding a day that doesn't already have a full schedule.

"If they really want these cases to go forward," Bohnaker said of the judges, "then they really need to be more flexible."

Bohnaker said the judges could have been more understanding about the budget cuts in his office and accepted his proposal to return some of the responsibility to the judges' staff.

State law does not specify who is responsible for scheduling cases on the court docket. The chore is handled differently from court to court in Virginia, depending on informal agreements of responsibility, say clerks and judges.

In Hampton, the judges say this is Bohnaker's job because of an agreement reached last spring, making the task of setting dates for bench warrants Bohnaker's responsibility. Previously, the judges' secretaries set hearing dates, but that also resulted in delays.

For two years, the judges, the clerk and several other people involved in criminal cases in Hampton met to figure out a way to speed up the process of getting people in court and through their trials, the judges and Bohnaker say.

Bohnaker, who was elected to the clerk's office in 1995 and whose wife, Lisa, is a vice president and director of marketing at the Daily Press, played a big part in those discussions.

The meetings resulted in a docketing policy that took effect in March 2002.

"We voluntarily received responsibility because we want this system to work," Bohnaker said.

But that was before the budget cuts, he said. When he was forced to make cuts, Bohnaker said, he asked the judges and their staffs to take back the scheduling responsibility.

They said no.

The new docketing procedures make it impossible for the secretaries to simply take back the old scheduling duties because new technology is being used that is not specific to one judge, said Laura Sanford, the court administrator who works for the judges. Now schedules are done based on what judge can be available next, not a specific judge's schedule.

Since 1999, Sanford has asked Hampton city officials for money to fund a docket administrator who would do all the scheduling for the judges. But so far, that money has not been allocated by the city. The court administrator and the judges' staff work for the city.

"We developed a plan and a team, and we worked with Mr. Bohnaker to achieve what we could," until the extra money becomes available, Sanford said. "Unfortunately, the cuts resulted in the major cuts in the criminal area."

But the cuts can't act as an excuse, Sanford said, because the judges insist that scheduling be done faster.

For Johnny Hinton, the politics and budget dilemmas behind his prolonged incarceration are of little consequence.

Right now he spends his days having little contact with the outside world, eating small quantities of bad food and sleeping in a cold, drafty barracks with dozens of other men, some of whom are also waiting to see a judge.

"If I knew the law, I don't think I'd be in this situation," Hinton said.

"I want to go before a judge, so I can get a lawyer and find out what's going on."

Jessie Halladay can be reached at 247-4799 or by e-mail at jhalladay@dailypress.com

Copyright © 2003, [Daily Press](#)

Why No One is Married

The Tragedy of No-Fault Divorce

www.catholicexchange.com

Ed Truncellito, JD, 02-24-03

Marriage today is no more than "registered cohabitation" because no-fault divorce was misinterpreted as "no cause & no proof" divorce. If you can divorce without true cause - then you were not truly married in the first place. You were merely cohabiting, as in ages past, regardless what name it's called.

You could always walk away from a disagreeable cohabitation, but marriage was defined in its protection by law. You couldn't get out of a marriage just because you wanted out. You had to have true cause: abuse, adultery, abandonment, or the like. And not only cause, but genuine proof of it.

When the well-meaning no-faulters tried to take adversarialism out of the divorce process, to make it friendly, it failed. The door swung wide open to "no cause & no proof" divorce. Meanwhile, adversarialism went right back into the property and custody battles.

The old "fault" laws needed overhaul to bring spousal equality, and to make the system friendlier, but no-fault's "no cause & no proof" divorce, administered by warring lawyers, was the wrong implementation. The law should have required that spouses be taught how, and helped, to settle differences as co-equals, to deliberate justly and fairly, with self-control, while honoring their partner and the vows they made for a permanent union.

Beforehand, almost any man could rule his wife and settle disputes by physical force. But spousal equality demands at least a little education, a working knowledge of civilized diplomacy and reasoned compromise - for both genders.

The no-fault laws did not train the partners to solve any problems. The laws simply - and grievously - empowered the courts to settle all their disputes for them, in one grand sweep, by divorce, no matter how whimsical or trivial the disagreement. No-fault did not elevate the status of wives as co-equal family managers. It lowered the status of both spouses, while it elevated the courts as the new, and not-so-charitable, family managers.

The no-fault divorce system, as implemented, funded divorce. It channeled money from troubled families to divorce lawyers, now at hourly rates in the three digits, in exchange for dividing children and property. The court's officers were hired and paid to terminate marriages, not to save them.

The no-fault legal system, as envisioned, was to be a family hospital, and to comfort the hurting spouses and bandage the wounded marriages. Instead, it became a family morgue. It promised to give relief from the former hostilities of the "fault" legal system, but it became more hostile than ever.

Reconciliation dollars, facilities, and assistance were promised, but they never materialized. A generation and a half later, we know that the experiment did not work as planned.

In truth, our no-fault laws, as implemented, abolished true marriage. After many years of no-fault, we no longer even respect the solemn covenants that partners make between themselves and God. Instead, we respect the solemn covenants that lawyers make between themselves and a judge.

Although cohabitation is handicapped in many ways, it unfortunately has one important advantage: ordinary cohabitation keeps government out of the home. In contrast, the registered cohabitation that we still call marriage invokes the jurisdiction of government officers. They receive authority to manage the lives of both spouses and their children with legal force.

No wonder people cohabit. No wonder we have so many broken homes. Partners can walk away from the slightest inconvenience, at any time, with court assistance. They don't ever have to conciliate, or swallow their pride and say they are sorry, or try to please anyone but themselves.

When divorce was made into a guaranteed certainty, it became an easy way out of hard times. Partners knew they would no longer be pressed by embarrassing questions about covenants and faithfulness, as they moved on to their next cohabitation. Nor could they be stopped.

The fundamental attribute, the unique defining characteristic, the earmark, that always distinguished true marriage from cohabitation, is legal security - protection by law - protection by divorce law.

Today, that protection is gone. Genuine proof of true cause was always required for divorce, and anything else - but that - should have changed in an overhaul of divorce law.

It is one thing to let spouses decide, without intrusion, for their own private reasons, whether to live together, or to live apart indefinitely. But it is another thing altogether, for government not to question the cause, when government has already intervened, when government is asked to destroy a marriage, totally and permanently.

The legal security of true marriage cannot be a chain. But neither can it be a thread. It must be a sturdy fabric, a flexible but tough canvas, to weather the gales of life.

Why No One is Married (Continued)

That's why true marriage is so secure and stable for mates. When spouses cannot easily shake off their yoke, they soften it by mutual accommodation. In other words: spouses don't stay together because they get along; they get along because they stay together.

And that's why true marriage is so secure and stable for children. True marriage is underwritten by law. Children can rest assured that no passing storm will carry either of their parents away. They know that the whole force of government stands as a benevolent guard to protect their homes and both of their providers.

We are not in the midst of a divorce crisis. It is a marriage crisis.

Ed Truncellito is an attorney and can be reached through the website www.no-one-is-married.com or by e-mail at pursuejustice@lycos.com.

(This article reprinted with permission of Defending Holy Matrimony. Defending Holy Matrimony is an informational website whose mission is to promote an awareness of how civil authority is destroying Christian marriage and family life. Their aim is to foster a pro-marriage movement similar to the pro-life movement.)

Struggling to Fix the Secret Service

<http://www.insightmag.com/news/373535.html>

By John Berlau, Insightmag.com, 02-20-03

As the nation is on the brink of war and the danger of an attack on the homeland mounts, the Bush administration has made an important personnel change that many say was long overdue. It finally has replaced the Clinton appointee who headed the U.S. Secret Service for almost four years with a distinguished law-enforcement veteran of its own choosing.

Brian Stafford, who was appointed in 1999, quietly announced his resignation in December in the face of scrutiny from U.S. News & World Report about Secret Service morale and from Insight about problems with a new access-control system pushed through in the final months of the Clinton administration.

Many sources familiar with the agency tell Insight that the administration's choice for the Secret Service's new director, W. Ralph Basham, is meant to send a message. Unlike previous directors, Basham was not promoted from within. He had retired from the Secret Service in 1998 after 28 years in jobs ranging from protecting the vice president to strategic planning, and became director of the Federal Law Enforcement Training Center in Glynco, Ga. In January 2002 he was named chief of staff for the new Transportation Security Administration (TSA) that was created after the Sept. 11 attacks; then he was sworn to head the Secret Service on Jan. 27, 2003.

Basham earned wide respect in the law-enforcement community for his work at the training center, where his goal as he described it to Georgia's Athens Banner-Herald was to "create [a climate] as close to realism as you possibly can as to what you're going to see on the streets so that when the officers go out there, they're not surprised." The job he did bringing the TSA online under emergency conditions is seen by industry leaders as little short of miraculous. Secret Service observers with whom Insight spoke are hopeful that Basham's diverse range of law-enforcement experience will help him tackle what they say is the wide range of security lapses at the Secret Service, but they warn he has a big job ahead of him.

In early February, the Secret Service suffered embarrassment when the Rev. Rich Weaver, known as the "Handshake Man," again evaded agents and officers to deliver a personal, handwritten message to President George W. Bush. Weaver, who shook the hands of Bush and Bill Clinton at their inaugurations without Secret Service clearance or approval, slipped by the Secret Service at the National Prayer Breakfast in the ballroom of the Washington Hilton, lifted the rope around Bush's table and gave the president a personal letter he says Jesus commanded him to write. A Secret Service spokesman maintained to the Washington Post that Weaver did go through the metal detectors and that the procedure would have protected the president had someone armed and dangerous attempted a similar stunt, but few were reassured.

Much more problematic than Weaver is the example of an illegal alien working for a catering firm who was a supervisor of tent installation at White House events even though his fingerprints were on file in a federal law-enforcement database, according to an article by syndicated columnist Michelle Malkin.

And, as this reporter revealed last fall, the Secret Service's new computerized access-control system for the White House, built in the final months of the Clinton administration and put in place just after Bush arrived, apparently has left the White House complex even more vulnerable. Retired Secret Service officer Bill Castle and other sources familiar with the system told Insight that the system frequently crashes and gives inaccurate data about White House guests and employees [see ["Security Cracks at the White House,"](#) Sept. 30]. Insight also discovered that the chief executive officer and controlling shareholder of the company that was the lead contractor for the project was a mysterious Swiss resident named Niklaus Zenger, who had ties to the current Russian military and its Soviet predecessor and had been accused by former business associates of stealing proprietary technology.

Zenger since has been forced out, largely as a result of news articles about such matters. But critics say the whole outrageous affair illustrates why the Secret Service must exercise more due diligence over the companies and contractors that deal with the White House. Meanwhile, this magazine has learned that design problems with the new system have produced woefully inaccurate data about the length of time visitors have stayed at the White House, opening the door to potential threats against the president, his family and staff.

Related material: ["Investigations Lead to Lost Confidence in Zenger"](#)

Gary Aldrich, who served as senior agent in the FBI liaison office at the White House during the administrations of George H.W. Bush and Bill Clinton, and who wrote the best-selling memoir *Unlimited Access*, says many of the current security lapses are a result of the Clinton administration's disregard for security procedures and disrespect for the Secret Service in general. "There are so many ways Bill Clinton demoralized the Secret Service," says Aldrich, now president of the Patrick Henry Center, a think tank in Fairfax, Va. "One of the most specific ways would be to disregard the good suggestions that were well-founded about how to protect the White House premises and which people to keep out and which people to allow in. He also abused them by sending them on silly errands to drugstores for ointments or whatever. It is outrageous to misuse Secret Service agents by trying to turn them into valets, and I think there was a tendency on the part of the Clinton administration to abuse all the people who served them in security capacities, including the Secret Service and the military."

Struggling to Fix the Secret Service (Continued)

U.S. News & World Report backs up Aldrich's assertion about the Clintons' mistreatment of the Secret Service. During the Monica Lewinsky scandal, the magazine reported in December, the Clintons lashed out at the Secret Service because of officers telling what they knew to independent counsel Kenneth Starr. The magazine relates an anecdote about Hillary Clinton cursing at Secret Service officer Matthew Hurden in 1998 after Hurden greeted her with a simple, "Good morning, ma'am." A spokesman for now-senator Clinton denied all, but the Washington-based magazine reported that multiple sources "confirm the same account." The magazine also reported that Stafford was made head of the Secret Service despite the fact that he was "widely believed to be involved in an extramarital [relationship] with [a woman] who worked in the White House." Some say it was largely because he played ball with Clinton on the Lewinsky affair and other potential embarrassments. Stafford did not return messages.

During the Clinton days some of the best Secret Service employees left for other agencies such as the Bureau of Alcohol, Tobacco and Firearms. Aldrich believes that by installing Basham -- one of those who left during the Clinton era -- Bush is sending a signal to principled employees who left that if they return they will work in a professional atmosphere under an able director. "This is a way of bringing them back," Aldrich says. "Basham is a quality guy. The Secret Service would know him by his reputation. That's the way I read it."

But the culture at the Secret Service also needs to be changed for it to be able to provide the highest level of protection to the president and his family and White House team in this time of heightened alert to terrorism, insiders say. These sources tell Insight that holdovers at the agency still are more interested in suppressing internal criticism than in fixing security problems. Just as there has been, according to U.S. News & World Report, "a major leak investigation by the Secret Service's inspection division to identify agents and officers who may have spoken to U.S. News," the Secret Service's technical division also has been probing where Insight received its information, grilling employees and contractors about who may have spoken to this magazine out of concern for the president's safety.

"They responded with an internal cover-up rather than investigating what's wrong with the [access-control] system," says a disgusted Secret Service source who wished to remain anonymous. When this reporter recently called Castle, the retired Secret Service officer who went on record in the first story about the problems with the security computer system, he said gravely, "I have no comment."

Meanwhile, concerned sources say Basham needs to get his arms around the problem with the access-control system. And Insight has obtained a document that may indicate a major problem in keeping records of the length of times guests spend at the White House. This reporter received in an envelope with a California return address a copy of a memo with the Ultrak letterhead written by the company's senior vice president of technology, Ray Payne. Secret Service spokesmen did not dispute the authenticity of the memo which indicates that if a guest forgets to put his or her pass in a scanner when leaving, the computer will assign an arbitrary exit time. The memo, dated Feb. 5, 2002, confirms that the system will "force" a "time of departure" (TOD) if the White House pass is not put into the scanner upon exiting. That is, if no time of departure is recorded within 12 hours of a guest's arrival, the system will "set TOD to TOA [time of arrival] plus 12 hours."

So if a White House visitor were to arrive at 11 a.m., and then forget to put his pass in the scanner when leaving two hours later, the system would record that he left the White House 12 hours later, at 11 p.m. If not fixed, this could be a severe problem should an investigation be required to identify who was in the White House at a certain time and for how long. In the normal course of things it is simply embarrassing to security. Insight spoke with one reporter who forgot to put the pass in the scanner when finished with covering the White House in the afternoon. The Secret Service later asked why the reporter was on the premises until around midnight.

Other sources say the previous system simply would cancel the pass and record no time of departure if the pass had not been returned. They worry that innocent people might be implicated in White House investigations if this is not fixed immediately. "If they're doing an investigation and trying to pin somebody with something, and they're trying to pinpoint times, it could be a nightmare," says a source familiar with the Secret Service system.

Secret Service spokesman John Gill tells Insight that "the access-control system operates precisely in the manner in which it was designed. We are very satisfied with the performance of this system. ... By no means does the Secret Service rely solely on the access-control system to monitor individuals entering or exiting the complex."

Ultrak did not respond.

Ultimately, White House insiders say, the problems with the computer system go back to the culture of the agency, something they believe Basham will have to change. "Secret Service officers are afraid to report to the higher-ups when they have to reboot the computers," says a Secret Service source. "There's no accountability."

Aldrich says the Bush administration needs to do a thorough review of every Secret Service policy change made during the Clinton administration to identify and deal with any current security vulnerability. "As painful as it may be for this administration, they must acknowledge that the eight Clinton years were a national-security nightmare," Aldrich says. "They should start off fresh, examine every policy to see where the holes are and plug those holes."

*John Berlau is a writer for **Insight** magazine.*
[email the author](#)

Deadbeat Mother Convicted

Ex-teacher did not pay child support

Robert E. Kessler, STAFF WRITER, [Newsday, Inc.](#), 02-15-03

The first woman arrested in the country on federal charges of being a "deadbeat mom" for failing to pay child support has been convicted in U.S. District Court in Central Islip, officials said.

Jo-Ann Venturella, 52, formerly of Dix Hills, was found guilty late Thursday by a jury after a three-day trial of not paying more than \$20,000 in support for her two sons, James Jr., now 12, and Justin, 11.

U.S. District Judge Denis Hurley held Venturella without bail as a flight risk. She faces between 15 to 21 months in prison under sentencing guidelines, and also now owes a total of \$57,000 in child support.

Venturella had been ordered to pay \$225-a-week after a bitterly contested divorce from her husband, James Ferretti, in May 1998, but soon fled to Florida, according to Joseph Napolitano, an agent with the inspector general's office of the Department of Health and Human Services. She was arrested in late October 1999, after she had returned to Long Island.

Venturella, a special education teacher in Lindenhurst, was earning \$80,000-a-year, much more than her former husband, but balked at paying the support, officials said.

When her former husband got an order garnishing her wages in 1998, she angrily told Lindenhurst school officials she would never pay any support and quit her job in the district where she had worked for 20 years, according to Assistant U.S. Attorneys Gary Brown and Mark Lesko. She also canceled her health insurance, which covered her children, prosecutors Brown and Lesko said.

Venturella's attorney, Joseph Maddalone, said the jury's verdict was "unfair" and an appeal was planned.

Maddalone had argued that his client was not guilty of any federal crime because Venturella had not permanently crossed state lines and moved to Florida, but was visiting relatives.

The federal government began a crackdown on "deadbeat" parents in the late 1990s by making it a crime for parents to fail to pay support for children living in another state. Only a handful of women have been charged under federal law since, officials said.

Ferretti, who lives in Dix Hills with the couple's children, hailed the decision. "I'm glad justice was finally done," he said Friday, adding that he felt it was only right that his former wife should help pay for her children's support.

Ferretti said he was grateful for the federal government taking action against his former wife because local authorities failed to do so.

Jurors Deliberate Sentence for Clara Harris

AP, 02-14-03



HOUSTON — Prosecutors urged a jury to send Clara Harris to prison Friday for murdering her cheating husband by mowing him down with her Mercedes, rejecting defense calls to have sympathy for "a good mother and a good wife."

"Probation is not appropriate in this case," district attorney Mia Magness told the jury that convicted Harris on Thursday. "If the situation were reversed and David Harris had run her down, would you consider probation?"

"Here's a woman who had everything. And she chose, she chose to ruin it."

Jurors began deliberating after prosecution and defense arguments on the sentencing phase were completed Friday morning. They could decide anywhere from probation to life in prison for Harris. If jurors determine she acted out of "sudden passion," they could consider a lighter sentence of up to 20 years in prison.

Harris, a 45-year-old dentist, was convicted of murder Thursday by the jurors, who deliberated just eight hours over two days. Her orthodontist husband was run over July 24 after she found him leaving with his mistress from the hotel where the Harrises were married. The wedding was on Valentine's Day 1992, exactly 11 years ago Friday.

Magness made no specific recommendation on length of sentence to the jurors.

"I'm respectfully requesting that you send her to prison, because she has earned it and because David Harris deserves it," she said. Defense attorneys asked for no more than 10 years' probation, contending sudden passion drove her.

"Clara Harris is a person respected by her neighbors, loved by her neighbors, loved by the very colleagues that she employed," defense lawyer George Parnham said.

"She worked hard, she is and was a good mother and a good wife," he said.

Magness, however, argued that Harris, in her testimony, never said she was acting under the influence of sudden passion when she circled over her husband with the car. Harris had claimed she was aiming only to damage his lover's car.

"She never said to you that she was mad," the prosecutor said. "She never admitted she was angry, there was fear, terror or resentment. The most she said to you was, 'I was upset.'"

Harris, who returned to the courtroom Friday after spending a night in jail, wore no makeup or jewelry to court for the first time during the four-week trial. She sobbed quietly at times as Parnham spoke, then buried her head in her hands, nodding in disagreement as Magness suggested Harris was using her 4-year-old twin boys as "a shield" to gain probation. "She ought to not take credit for making herself a single parent," Magness said.

In punishment phase testimony Thursday, Parnham called seven witnesses, including David Harris' father, mother and brother.

"Our motivation stems from the word forgiveness," Gerald Harris testified of his support for his daughter-in-law. "This tragedy was a very strong blow against our family. We feel like a member of our family has erred and we forgive that. We don't feel like Clara intended to kill David."

The prosecution attempted to get jurors to focus on who David Harris was and the impact his death had on his 17-year-old daughter, Lindsey Harris. She was a passenger in the car as her father was struck.

"I only got to spend 16 1/2 years with him and I had so much more planned," Lindsey Harris testified. "It's not fair for someone to take my dad away from me."

The teenager, who lives in Ohio with her mother and stepfather, told jurors she had planned to attend college in Texas to be closer to her father and wanted to be an orthodontist like him.

"Everything was perfect and that's how it was going to be -- then it was ruined," she said.

The teen testified that after her father's death, she retrieved his clothes from a trash can where her stepmother had ordered they be thrown. She said she took her father's belongings into her bedroom to "feel like he was there with me."

Clara Harris began sobbing and prosecutors immediately asked that jurors be removed from the courtroom. As they were ushered out, the dentist cried out to her stepdaughter: "I'm sorry, Lindsey! I'm sorry, baby!"

Murder by Mercedes?

http://courttv.com/trials/harris/021203_ctv.html

Matt Bean, Court TV, 02-12-03

A Texas jury began Wednesday to deliberate the case of a Houston woman who ran down her adulterous husband with a Mercedes last July, with attorneys from both sides urging them to consider the defendant's intent at the time of the accident.

Clara Harris, 45, allegedly hit her husband in the parking lot of a Houston hotel on July 24, 2002, after confronting him in the hotel lobby with his mistress. If convicted she could face life in prison.

Lawyers had their final say Wednesday morning, with prosecutors calling the killing deliberate and her defense attorney focusing on the affair Harris's husband was having Gail Bridges, his receptionist.

"His body was run over at least two times, two different directions," said prosecutor Mia Magness. "There was impact, and then there were crushing injuries."

The proximity of Valentine's day was not lost on Harris' defense attorney, George Parnham, who reminded jurors during his hour-long closing argument that Harris, 45, married her orthodontist husband on Valentine's day 1992.

The avuncular lawyer recounted in detail the marital history of David and Clara Harris, which turned sour when David Harris strayed.

"They were all together until somebody knocks on the door of the home, and somebody knocks on the heart of that family," said the lawyer. "Gail Thompson Bridges is a home wrecker. I don't care how you slice it, she is a home wrecker."

The jury of nine women and three men deliberated into the night before retiring. They have a number of murder charges to consider, but could also find Harris guilty of the lesser charges of manslaughter or criminally negligent homicide.

Prosecutor Magness reminded jurors that numerous witnesses, from hotel employees to bystanders, testified that Harris ran over her husband at least three times.

Lindsey Harris, David Harris' daughter from another marriage, was in the car with Clara Harris that evening. She told jurors the defendant exclaimed, "I'm going to hit him" before running over her husband. She then "stomped on the accelerator and went straight for him."

Harris' testified during a tearful two-day stay on the stand that she was aiming for the SUV of her husband's mistress — which she had "keyed" earlier that evening — when her car went awry and hit her husband.

On Wednesday, she again shed tears as her lawyer described the hotel lobby confrontation with her husband and his mistress. As she sobbed silently, her eyes closed, her tears dripped onto her green velvet suit coat.

Parnham himself even appeared to choke up as he summed up his closing argument. "I want this jury to acquit her," he said, trailing off. "Pardon me."

Prosecutor Magness, in closing, asked jurors to set aside the marital strife that Parnham focused on during their deliberations.

"If a man is cheating on you do what every other woman in this county does—take his house take his car take his kids, take his respect in the community, make him wish he were dead—but you don't get to kill him," said Magness. "But we're not talking about a divorce. We're talking about a killing."

The jury, which is sequestered, will return Thursday to resume deliberations.

Actors promote virtual protest march

<http://www.cnn.com/2003/US/02/19/antiwar.campaign/index.html>

CNN.com/US, 02-12-03

LOS ANGELES, California (CNN) -- A group of actors including Mike Farrell and Martin Sheen Wednesday announced a virtual march on Washington in which opponents of President Bush's stance on Iraq will fax, e-mail and telephone elected officials in the nation's capital next week.

Farrell and Robert Greenwald, co-founders of Artists United to Win without War, said at a Los Angeles news conference that the "million modern march" will expound on last weekend's massive peace marches, which brought millions of people into the streets worldwide in opposition to a possible war against Iraq.

"The plan is to overwhelm Washington on February 26," said Greenwald, a director known for the films "Xanadu" and "The Burning Bed." "We have been clear and we have been consistent. We are not experts, we are citizens in a democracy and we are using our patriotic rights and our ability to get the attention of the media."

Farrell, who played Korean War surgeon B.J. Honeycutt on "M*A*S*H" from 1975 through the series' end in 1983, said the inspections process should be allowed to continue to its natural conclusion.

"That is our hope, our desire here, the intention of the peace movement, to allow the (U.N.) inspections to work and to give the inspectors the time to do their job," he said. "There may come a time ... when the inspectors say they can do no more. At that point it is upon the community of nations to decide what to do."

Across the continent in Washington, Tom Andrews, former Democratic congressman from Maine who now serves as national director of Win Without War, and actor James Cromwell, made a similar announcement.

"The virtual march on Washington February 26 will be an opportunity for every American opponent of an invasion of Iraq to stand up and be counted in every state in the United States," said Andrews. "On that day we will call, we will fax, and we will e-mail the president of the United States and every member of the U.S. Senate to voice our opposition to this short-sighted and unnecessary war."

"My fondest hope is that President Bush will answer his telephone and look out his window and see millions upon millions of people in America and across the world expressing their opposition and that he will have an epiphany and a change of heart and that this war will not take place," said Cromwell.

Back in Los Angeles, the actors almost unanimously cited the human cost of war, noting that the Pentagon is stockpiling body bags in preparation.

"I think it is unpatriotic not to ask about human costs," said Robert David Hall, who plays coroner Al Robbins on the CBS show "CSI." "I spent months in critical burn wards, I know what amputation is like, and I am damn concerned to know 75,000 body bags are ordered."

Hall lost his legs and was burned over two-thirds of his body in a 1978 car accident.

"I think whatever side of the political spectrum we sit on, we have to ask these questions, and they have to be answered," he added. "I am not hearing those answers."

"How is it that this debate has been twisted on its head, that somehow those that advocate peace and diplomacy are anti-American?" asked actress Janeane Garofalo. "Or those that advocate peace are anti-troops or pro-Saddam?"

Greenwald, Farrell, Garofalo and Hall were joined by Angelica Huston and Sheen, who noted that even the monetary cost of a war would adversely affect the people.

"As the dogs of war slouch towards Baghdad, we need to be reminded that as many as 2 million refugees could become a reality as well as half a million fatalities" said Sheen, who currently portrays President Josiah Bartlet on the NBC series "The West Wing."

"We're spending billions on this war while many children in schools across the country are sharing books, many people can't afford doctor, and we're told there's no money for housing or job training.

" ... I think we could use our billions on a whole lot better thing than war."

Kinsey Film Contested
LOS ANGELES — An upcoming film about the "father of the sexual revolution"
is already making some hot and bothered.
<http://www.foxnews.com/story/0,2933,77966,00.html>

Trace Gallagher, FoxNews, 02- 07-03

In the 1940s and 1950s, Alfred Kinsey chronicled the sexual habits of everyday Americans. His controversial findings were both condemned and praised.

Now the pending film is drawing fire from critics who say Kinsey was a pedophile propagandist.

"Dr. Kinsey went out, found pedophiles, cultivated them, coveted them and directed them in their sexual activities and their atrocities against children," charged Judith Reisman, author of *Kinsey: Crime & Consequences: The Red Queen and The Grand Scheme*.

A coalition of child-protection groups tried to place an anti-Kinsey ad in the entertainment trade magazine *Variety*, but the publication refused to run it, calling the ad inappropriate.

Now, people on both sides of the issue are lining up to defend or attack both the project and the legacy of the controversial sex researcher.

Reisman has organized a publicity campaign denouncing the movie project and accusing Kinsey of directing the rape and abuse of children.

Others are stunned by the charges against a man who they say broke down barriers and started an open dialogue about sex for the first time.

"I frankly find it outrageous that he would be vilified at this time in history," said Dr. Alexander Taylor, a sex therapist in Los Angeles. "He was a pioneer and what he did was very valuable."

The Kinsey Institute said in a written statement to Fox News that Dr. Kinsey's research provided invaluable knowledge that for a half century improved the sex lives of millions of men and women.

In 1944, Alice Ginott Cohn joined thousands of women who openly discussed a subject most others only whispered about: sex. The result of those interviews was Alfred Kinsey's landmark book *Sexual Behavior in the Human Female*, which shocked the world in 1953 with its explicit revelations. Countries banned it. Churches berated it. Some scholars scoffed.

"He was courageous. He should be commended for his contributions," said Ginott Cohn, now 78, of New York City. The book came five years after Kinsey published a book on male sexuality that created a stir of its own. But if the first book sparked a flame of controversy, the second book ignited an inferno.

The U.S. Army in Europe banned *Sexual Behavior in the Human Female* from its library shelves. South African customs officials prohibited bookshops from selling it without permission. Priests admonished parishioners in the Owensboro, Ky. Catholic Diocese against reading the book or its reviews.

Edward Laumann, a sociology professor at the University of Chicago said the Kinsey report "was a cultural event of enormous consequence."

Now the film about this controversial figure is causing another storm.

After *Variety* refused to run the detailed charges against Kinsey, radio talk show host Dr. Laura Schlessinger, who was one of the ad's contributors, attacked Hollywood as irresponsible.

"My concern is that Hollywood needs to have some level of responsibility somewhere for making sure when they represent a piece of history or a man like Kinsey that they fairly show the whole truth," Dr. Laura said.

The Kinsey Institute said in a written statement that they support the film as long as it is thoughtful and well researched. Bill Condon, an Academy Award-winning screenwriter who also wrote the acclaimed film version of *Chicago*, is writing and directing *Kinsey*, currently in pre-production. United Artists is reportedly backing the film, which is expected to star Liam Neeson.

Condon would not comment on the controversy, but said in a press release: "(Kinsey) is mostly forgotten today, but I think he's one of the most influential figures of the last century. He changed the way America thinks about sex, and the way we talk about it."

Kinsey died in 1956, derided by some and praised by others.

"He is regarded as the scapegoat," said John Bancroft, director of Indiana University's now-named Kinsey Institute for Research in Sex, Gender and Reproduction, "the antichrist, for the moral decline in America over the last 50 years, which of course is ridiculous."

Bill O'Reilly

Bill O'Reilly joined FOX News Channel as the anchor and host of *The O'Reilly Factor* in 1996.

<http://www.foxnews.com/story/0,2933,1256,00.html>

FOXNEWS, 01-31-03



The O'Reilly Factor (8-9 p.m. ET, Monday-Fridays) is the most-watched program on cable news and has caused the powerful in America to duck for cover as the rigidly enforced "No Spin Zone" deals with the nation's most important issues in a straightforward and provocative manner.

From humble beginnings on Long Island, NY, Bill O'Reilly has risen to become "the new pope of TV Journalism" according to television critic Marvin Kitman.

In 2000, *The Factor* (as O'Reilly refers to it) passed *Larry King Live* to become the number one cable news program in the United States.

Both of O'Reilly's non-fiction books, *The O'Reilly Factor*, and *The No Spin Zone* have each reached number one on *The New York Times* bestseller list. His novel *Those Who Trespass* has been optioned for the screen by Mel Gibson's Icon Productions.

While growing up O'Reilly had no idea that journalism would be his calling. He lived in a modest house with his father, mother and sister in the Westbury section of Levittown. O'Reilly began working in his early teens mowing lawns, which evolved into a house painting business.

Upon graduating from Marist College in Poughkeepsie, New York with a degree in History, he taught high school for two years in Miami, Florida. O'Reilly returned to school to pursue a Masters in Broadcast Journalism from Boston University. After receiving his Master's degree, O'Reilly began his television news career in Scranton, Pennsylvania, followed by stops in Dallas, Denver, Portland, Oregon, Hartford, and Boston. In 1980, he anchored his own program on WCBS-TV in New York and later became a CBS News correspondent covering the wars in El Salvador and the Falkland Islands, among other assignments.

In 1986, Bill O'Reilly joined ABC News as a correspondent on *The World News Tonight*. During his three year tenure, he appeared on the show more than one hundred times, and received two Emmy Awards and two National Headliner Awards for excellence in reporting.

O'Reilly's career changed in 1989 when he joined the nationally syndicated *Inside Edition* as senior correspondent and backup anchor. Within three weeks, he took over the anchor chair from David Frost. During his six years at *Inside Edition*, the show was one of the highest-rated "infotainment" programs in America.

In 1995, O'Reilly left to enroll in the John F. Kennedy School of Government at Harvard University where he received a Master's Degree in Public Administration. Upon leaving Harvard, Roger Ailes, chairman and CEO of the then startup FOX News Channel, hired O'Reilly to anchor *The O'Reilly Factor*.

Bill O'Reilly continues to live on Long Island where his best friends are guys with whom he attended first grade.

White House standing by Snow nomination for Treasury job despite revelations of DUI arrest, child-support dispute

http://story.news.yahoo.com/news?tmpl=story&u=/ap/20030122/ap_wo_en_po/na_pol_us_snow_nomination_1

MARTIN CRUTSINGER, AP Economics Writer, 01-22-03

WASHINGTON - The White House says revelations that John Snow was arrested for drunken driving in 1982 and was involved in a child-support dispute with his ex-wife should not disqualify him from joining President George W. Bush's Cabinet as Treasury secretary.

The Bush administration learned about both issues as part of its vetting process of Snow's nomination, presidential spokesman Ari Fleischer told reporters late Tuesday "It's not relevant to his duties. We support him," Fleischer said.

Fleischer spoke after the Senate Finance Committee released a questionnaire Snow filled out in which he was asked, among other things, whether he had ever been charged with a criminal offense.

"In 1982 I was arrested for driving under the influence of alcohol in West Valley City, Utah," Snow said. "I was never convicted of that charge and the prosecuting attorney voluntarily dismissed the charge before trial."

Snow said that in connection with the incident he paid a \$334 fine "for making an unauthorized left turn with my automobile. I have never been charged with or convicted of any other offense."

In an addendum to the questionnaire, Snow disclosed that his ex-wife, Frederica Wheeler, sued him in Montgomery County, Maryland, in March 1988, alleging that he failed to pay child support and other costs associated with the care of his two sons.

Snow said he denied the charges, but the court found he failed to pay child support for his son Ian over a 19-month period and failed to pay Ian's transportation and allowance costs at college.

Snow told the committee that he and his ex-wife settled the dispute in January 1991 "to spare the family the difficulty of a trial."

Reached late Tuesday night, Snow spokesman Dan Murphy said Snow would not have any further comment.

"This is a personal issue and the White House is the best place for comment," Murphy said.

Fleischer noted that the DUI charges had been dismissed. He said in the child-support dispute, the ex-wife's claim was made even though the son had lived with Snow and Snow believed he had fulfilled his obligations under the agreement.

Bush picked Snow, chairman of the CSX Corp. railroad company, last month to replace his first Treasury secretary, Paul O'Neill, who was ousted in a Cabinet shake-up of the administration's economic team.

Snow, who is scheduled to appear for a one-day Senate hearing Jan. 28, had been expected to face tough questioning about Bush's new \$674 billion economic stimulus program, which Democrats contend is weighted too heavily toward tax breaks for the wealthy and provides too little immediate support for the struggling economy.

It was unclear how the new revelations might affect the nomination, which had been expected to encounter little opposition.

Snow has announced that he would forgo a lucrative severance package estimated to total up to \$15 million that the CSX board could have awarded him.

Given last year's revelations about corporate accounting scandals, Snow was also expected to face questions next week about his management decisions as the head of CSX, the Richmond, Virginia-based railroad that he built into the largest freight line in the Eastern United States.

Snow, who held several top jobs in the Ford administration, has won widespread praise from business groups and lawmakers for his consensus-building abilities and his skill at dealing with Congress.

Supporters say he will be a capable salesman for the administration's economic program, in contrast to the sharp-spoken O'Neill.

On Fatherhood, Family, and Civil Belligerence

<http://www.mensnewsdaily.com/stories/rowles012003.htm>

Gerald L. Rowles, Ph.D. , DA-DI, 01-20-03

How does it become a man to behave toward this American government to-day? I answer, that he cannot without disgrace be associated with it. I cannot for an instant recognize that political organization as my government which is the slave's government also.

All men recognize the right of revolution; that is, the right to refuse allegiance to, and to resist, the government, when its tyranny or its inefficiency are great and unendurable. - Henry David Thoreau

I don't approve of violence, but I understand what turns Mr. Hand into Mr. Fist. - Sam Kinison

At the height of the civil rights movement in the 1960s, the disenfranchised black population of the country numbered between 18 and 19 million aggrieved souls. At the height of the radical feminist movement in the 2000s, the disenfranchised father population of the country numbers between 14 and 18 million aggrieved souls.

In the 40 years between 1960 and 2000, we have merely substituted one form of discrimination and injustice for another, with nearly equal numbers. Tyranny is not too strong a word to describe the posture of today's government towards the men who want only to be fathers to their children, and husbands to their wives. And civil belligerence is as ethically imperative today as it was in 1960, for this new class of indentured citizen-slaves.

What form and forums might that civil belligerence take on? Let me suggest three: Political, Public, and Judicial. These are not unique forums, but an organized, palpable and well-coordinated campaign of belligerence will be. And there is ample evidence that the right timing is now.

Political Belligerence

There are scattered groups of men who are challenging their State legislators to turn back the assault on their God-given rights. For example, in Iowa, a group of 50 - 75 men have connected with a legislator who for five terms has been an advocate of family and fatherhood. His name is Dan Boddicker (R). Lately, he has been enthused by the focused support he is now receiving from this cohort of male belligerents. Lest it be misunderstood, let me define 'belligerent' as it is being used here: *exhibiting assertiveness and combativeness, marked by eagerness to contend, to strive, to debate, to overcome.*

Having known and consulted with Representative Boddicker for nearly as long as he has been in office, I asked him to provide guidelines for effective belligerence. Here is his formula:

Legislators don't pay much attention if they are lobbied when a bill is filed. When a vote is near in committee and then on the floor, that is the time to act. The fathers should present themselves in a professional, but firm manner. They should represent what they are, men who want fairness for the sake of their children, and the family. Numbers are important, 75 - 100 men are a formidable cohort. They should focus on committee members first then their elected representative and Senator. They should have talking points on the bill and then individually try to talk to their Representative, Senator and members of the House and Senate committees dealing with the bill, and then finally any other legislators. They could distribute a brief myth/fact sheet or quotes from articles/research on the importance of parental involvement, etc. but legislators are so inundated with paper that it will likely go in the first waste basket. I don't know how to advise it other than to say it would be useful to present a "fed up" demeanor; one that suggests offense is taken at the so-called "fatherhood" initiatives and assumption that men don't want to be dads. There should be the subtle but firm message that "we are not going away until our kids get justice".

Again, numbers are important. It's hard to ignore a hundred "fed up" dads in the rotunda, sending notes into chamber requesting that Senators and Representatives step out to talk.

One of the key ingredients in effective lobbying is, as Boddicker indicates, timing. One way of seizing the moment is to set up an Internet 'kiosk' of pending State legislation and the critical time and dates to arrive. It is also important to let your father-friendly legislator know that you will back him (or her) throughout the course of a desired piece of legislation. The [DA*DI](#) organization will be creating a legislative kiosk for Iowa and nearby states this year.

Don't hesitate to use the provisions of the family and medical leave act to take time away from work to tend to 'family matters'. And make it clear to those pantyhose legislators, It's the family stupid!

But, to speak practically and as a citizen, unlike those who call themselves no-government men, I ask for, not at once no government, but at once a better government. Let every man make known what kind of government would command his respect, and that will be one step toward obtaining it. - Henry David Thoreau

Public Belligerence

A successful campaign of belligerence in the political and judicial venues requires public awareness and support. The American public knows that something is wrong with the so-called 'family courts' and a resounding majority of 79% have voiced the opinion that family dissolution is a significant societal problem. But there is no public drumbeat that gives cadence to the potential marchers in the fatherhood and family parade.

On Fatherhood, Family, and Civil Belligerence (Continued)

Radio and television announcements are not only expensive; they lack a sense of "publicness." Public displays, like billboards, provide a unique window wherein observers are conscious of a shared vision - unlike the privateness of watching television at home, and listening to the radio in your car. A billboard on a busily trafficked city freeway or public plaza proclaims that the message is 'out there'. And it is out there 24-7.

Two highly successful campaigns that began with or augmented their appeal with billboards and similar displays are the pro-life images of aborted fetuses, and the more mundane dairy farmer promotion "Got Milk?" The latter campaign has been so successful that celebrities have flocked to get their milk mustachioed mugs on the boards. And although there may be no direct association with the fetal displays, a subsequent national survey has found that among those surveyed, the majority now "favored legal protection for unborn children by a margin of 68 to 25."

Although billboard promotions are less expensive than a random series of TV and radio spots, given their durability and constancy, they still are pricey for the prime locations in urban areas. Many outdoor advertisers do provide some charitable displays. And some of you may know an executive or owner who would be willing to donate space, or artwork, or both. As with the legislative agenda, this public awareness campaign needs to proceed on a state-by-state basis. And don't forget about trucking companies that might contribute rolling billboards.

Many of you probably have some brilliant and creative ideas that would have enormous visual appeal, or you may know an artist with those gifts. We've put together a few sample [displays](#) just to prime the pump. The billboard idea has been shared with a number of dad advocates, and their collective response has been generally enthusiastic - with many of their contributions incorporated here. Permission is freely given to use any of the sample billboards as long as credit is given to the source. You are also encouraged to share your graphics with us.

One of the unanticipated, but positive consequences of having a few initial boards pop up here and there may be print and electronic media coverage, as has been the case with the aborted fetus campaign that was co-initiated by [Priests For Life](#) and the Center for Bio-Ethical Reform.

When I meet a government which says to me, "Your money or your life," why should I be in haste to give it my money? It may be in a great strait, and not know what to do: I cannot help that. It must help itself; do as I do. It is not worth the while to snivel about it. - Henry David Thoreau

Judicial Belligerence

When is a court not a court? When it is a 'family court'.

There is some evidence, accumulating in the past year or so, which indicates that the domestic court is not an impervious monolith. In Canada, a [lawsuit](#) has been launched against the federal government that asserts, "Child support guidelines bear no relationship to the cost of raising children and should be struck down", and that "the legislation discriminates against divorced parents by dictating to them how much money they should spend on their children."

In Michigan, [attorney Michael E. Tindall](#) "successfully sued Wayne County Circuit Court, Wayne County Friend of Court, and the Wayne County Sheriff in federal court for issuing illegal Show Cause Orders and Bench Warrants that violated federal constitutional due process rights." But as [Tindall](#) himself has reported, "So far, I have spent about \$750,000 of my own funds and dedicated three years of my life to this fight.

In Massachusetts, [attorney Gregory Hession](#) has launched a free resource website "because so many clients have endured outrageous mistreatment at the hands of DSS agents and victim-witness advocates. To accomplish their ends, they use false allegations, and exploit the fact that the court system has abandoned due process of law - which means our constitutionally protected procedural rights such as jury trials, opportunity to be heard promptly, the rules of evidence, innocent until proven guilty, etc. ... People in Massachusetts are (also) outraged by judges who grant restraining orders under Mass General Laws Chapter 209A, without evidence or due process, merely because someone wants one. "

And frankly, I was a little stunned when I was recently contacted by several very bright, very accomplished, and very divorced attorneys who are highly motivated to contribute to the fatherhood effort. One of the outcomes of our conversations has been the realization that family courts are not really justice courts at all. It's one of those things that is known at one level, but is not fully realized in its ominous implications.

As described by one correspondent attorney: "Administrative law agencies in the United States have very broad powers. Oftentimes the only constitutional law standard that impacts their actions is that the agency must not have acted in an 'arbitrary and capricious' manner. Consequently, it is often difficult to successfully challenge their actions on constitutional grounds."

Administrative law agencies? Arbitrary and capricious manner? Hmmm.

But as this correspondent readily acknowledged, Mike Tindall of Michigan was "was successful in establishing that the Show and Cause Orders and Bench Warrants issued by the Wayne County Friends of the Court violated federal constitutional due process rights."

On Fatherhood, Family, and Civil Belligerence (Continued)

Further, this correspondent reasoned that, "Many of the constitutional issues and civil procedure issues that would arise in challenging the unfairness of how administrative agencies operate in the U.S. would seem to be issues already researched by Tindall. He probably has the knowledge needed to implement the type of action in the United States that is presently being taken against the Canadian government."

It should be apparent that fathers would be well advised to stop thinking of these administrative law agencies as 'family courts.' It is decidedly better to recognize that administrative law agencies are nothing more than arbitrary and capricious boards of inquiry, operating extra-constitutionally. Why is that relevant? Because too many individual dads have too-late come to realize - thousands of dollars later, that being represented by an attorney at an administrative hearing is like taking a slingshot to a gunfight. These fraudulent and capricious hearings want to enshrine themselves as legal forums, requiring that legalese be written and spoken there. When in actuality they are nothing more than the conjurings of a humbug such as that behind the curtain in the Wizard of Oz, full of sound and fury, signifying nothing, particularly when it comes to due process under the law.

It's time to recruit attorneys, such as those who have contacted me, to take the fight outside these administrative doodads and into the constitutional arena through class action suits. In some cases, class action suits may even prove lucrative, if they were to attack the federalization of child support guidelines and recover taxpayer funds that have been unjustly allocated to this boondoggle.

It's time to realize that men have been duped into playing a feminist game, by feminist rules, against feminist institutions that those same men are funding. Imagine what can be accomplished if men stop funding these agencies and start funding agents of change; if they quit throwing good money after bad in the fruitless search for justice and due process in the junk yard of administrative law agencies.

The foregoing ideas and observations are certainly not the only options that might be exercised. But hopefully this array of approaches provides a tent large enough for any man to find their niche. And when I say tent, I do not mean political, but organizational. It is not my intent to demean the earnest efforts of men who are working effectively within their own venues. It is not my intent to advocate a given political party, except to say that a true conservative would want to first conserve the family.

It seems that when a bloated, liberal government has forgotten its limits, it cannot resist creating a new class of slaves. In today's America, there is one group of individuals who have a legitimate claim for constitutional relief. Unlike the babykillers and sodomists who want to confabulate a founding document to legitimize their wicked ends, fathers have a vested set of unambiguous rights that are at the heart of the true founding document. If the American culture, and its freedoms are to be conserved, reinstating the vital roles of fatherhood and family, and destroying the tyranny of the divorce industry, must become *the* civil rights movement of this century.

There will never be a really free and enlightened State until the State comes to recognize the individual as a higher and independent power, from which all its own power and authority are derived, and treats him accordingly. - Henry David Thoreau

And if Mr. Hand is to become Mr. Fist, men now more than ever, need to seize the option of going on offense, of becoming politically, publicly, and judicially belligerent, and quit playing defense.

As I am in earnest - I will not equivocate - I will not excuse - I will not retreat a single inch - and I will be heard. - Abolitionist William Lloyd Garrison.

[Gerald L. Rowles, Ph.D.](#)

Prior columns in this three-part series:

[What Father's Rights 'Movement'?](#)
[You Mess With One Of Us, You Mess With All Of Us](#)

Gerald L. Rowles, Ph.D. [Clinical Psychology] is the founder and president of the [DA*DI](#) a tax-exempt 501(c)(3) non-profit. Since founding DA*DI in 1994, he has been devoted to researching, advising and disseminating information on the issues that he believes threaten to engulf and diminish the American culture; the same issues that are driving the divorce industry and the deconstruction of the family and fatherhood. DA*DI's latest campaign proclaims [Dads Have The Right Stuff](#). Other articles by Gerald L. Rowles can be found in the [Men's News Daily archive](#).

Man Told To Support Child Of Another

http://story.news.yahoo.com/news?tmpl=story&u=kr/20030110/lo_krtampa/man_told_to_support_child_of_another

JOE FOLLICK jfollick@tampatrib.com, 01-10-03

TALLAHASSEE - The Florida Supreme Court, by the narrowest of margins, ruled Thursday that a Tampa police officer must continue to pay \$8,000 a year in child support even though he is not the child's biological father.

In a 4-3 decision, the court sidestepped moral issues and simply said Michael Anderson failed to prove he was "defrauded" by his ex-wife, Cathy Anderson, when she told him twice that he was the biological father of her child.

Neither Anderson was available for comment Thursday.

Michael Anderson's attorney, Tom Elligett of Tampa, said he was disappointed and might request a rehearing.

Tom Casper, the Tampa attorney representing Cathy Anderson, said he was pleased the court found that his client was not lying when she told Michael Anderson he was the father. He said Cathy Anderson still believes Michael Anderson is the father.

"An answer that turns out to be incorrect is not sufficient to meet the [necessary legal] elements to establish fraud," Casper said. "In black and white, Mr. Anderson is being shortchanged ... he shouldn't have to pay," Casper acknowledged. "But he didn't follow the proper legal procedure, and that happens to people all the time."

Nationally, men who have been paying child support for a nonbiological child have been asking lawmakers for years to intervene and stop forcing the payments.

But most states have decided that allowing a man to stop paying support harms the child by cutting off necessary money.

"The best interests of a child are not served by depriving them of support at any time a father may elect to question his paternity," Casper wrote in a brief submitted to the court.

That's the position the state Supreme Court affirmed Thursday. Justices ruling in favor of the position were Charles Wells, Peggy Quince, Major Harding and Harry Lee Anstead. Dissenting were Barbara Pariente, Fred Lewis and Leander Shaw. Shaw and Harding recently retired and are no longer on the court.

The court took an unusually long time, more than two years, in issuing a ruling after receiving the case in August 2000.

In 1994, shortly after breaking off their long relationship, Michael and Cathy Anderson reconciled and married after she told him she was pregnant. She told him he was the father.

In late 1995, Cathy Anderson filed for dissolution when the child was about 18 months old.

A year later, Michael Anderson was ordered to pay child support after a contentious divorce.

In 1997, he began doubting the paternity of the child after learning Cathy Anderson lied about not being married before. He submitted himself and the child to a DNA test, which proved he wasn't the father.

He challenged the support within one year of the order to pay, meeting the legal time limit. But the Supreme Court joined the two lower courts that had ruled he was not entitled to relief since he didn't prove Cathy Anderson lied to him.

In the dissenting opinion, Pariente said Cathy Anderson "was deceptive" enough to allow Michael Anderson to stop making payments.

"Clearly, Cathy had at least one other sexual partner at the time of conception," Pariente wrote. "A father should be able to rely on the unequivocal, affirmative representations of his wife that he is the father of the child and should not be obligated to request DNA testing during the divorce action to disprove this presumed fact."

Rep. Chris Smith, D-Fort Lauderdale, proposed a bill last year that would have allowed fathers to quit paying child support if they proved to a court that they were not the biological father.

Smith said the current law is a "recipe for violence."

"Imagine a guy who finds out, 'This is not my kid and I'm paying child support for 18 ... years,'" Smith said.

Smith said Thursday that he might file a bill this year allowing a man paying child support to seek compensation from the biological father who has not been paying support.

"If you take action against the mother, in essence that's taking money from the kid," Smith said.

"The whole thing is a matter of fairness," Smith said.

Reporter Joe Follick can be reached at (850) 222-8382.

John Kasich

Former Rep. John R. Kasich, R-Ohio, was chairman of the House Budget Committee and is the host of *From the Heartland with John Kasich*.

<http://www.foxnews.com/story/0,2933,21715,00.html>

FOXNEWS, 12-31-02



Kasich has been in politics most of his adult life. The son of a mail carrier who grew up in Pennsylvania, Kasich went to work after college as an administrative aide to Ohio State Senator Donald Lukens, a position he held from 1975-77.

In 1978, at the age of 26, Kasich undertook a campaign of his own and won election as a Democratic state senator. In 1982, he ran for the House as a Republican and won.

In the House, Kasich was appointed to the Budget Committee, where he has built a reputation as an attacker of bloated government and a supporter of strong efforts to reduce the nation's deficit. National Journal once described him as "one of the most innovative and daring budget-meisters in Congress."

As a member of the National Security Committee, Kasich opposed the B-2 bomber, stopped an expansion of the Pentagon building and helped push through military base closings.

Kasich graduated in 1974 from Ohio State University.

'Dorm Porn'— A Student Speaks Out

This is a *partial* transcript from *The O'Reilly Factor*, December 10, 2002.

Click [here](#) to order the complete transcript.

<http://www.foxnews.com/story/0,2933,72770,00.html>

FOXNEWS, 12-12-02



Watch The O'Reilly Factor weeknights at 8 p.m. and 11 p.m. ET and listen to the Radio Factor!

BILL O'REILLY, HOST: In the *Factor Follow-Up* segment tonight, as we've been reporting, Indiana University officials are embarrassed and perhaps frightened for their jobs because a California porn film outfit shot hardcore sex scenes in a college dormitory at IU. Joining us now from Indianapolis is 21-year-old Josh, we're withholding his last name, who did participate in the film, but off campus in his own apartment.

So why did you help this porn outfit out, Josh? You didn't get paid for it. Why did you do it?

JOSH, FORMER INDIANA UNIVERSITY STUDENT: I thought it sounded like a good time, you know? I mean, it's kind of the stuff dreams are made of. I want to make it known now that I had no sexual encounter with any of these porn stars. I was just on there clowning and being myself.

O'REILLY: All right. How many kids at IU participated in the movie, as far as you know?

JOSH: Ooh, I don't know. That's Callie Taxes (ph) department, not mine.

O'REILLY: All right. But she is the producer. How many students did you see?

JOSH: Oh, how many students I did see? I saw about probably 35 to 40 who were at my apartment.

O'REILLY: Now, were they participating in movie or just watching?

JOSH: They actually cleared all of the students that were there outside in front while they shot the scene back in my bedroom. So nobody actually saw anybody having sexual intercourse, and nobody had sexual intercourse with any of the porn stars.

O'REILLY: Now, were there -- but there were students, we understand, at the university who participated in some sex acts on camera, isn't that true?

JOSH: That is true.

O'REILLY: How many?

JOSH: But I didn't have anything to do with that, that was in the...

O'REILLY: All right, Josh. Yes, we know...

JOSH: ... (UNINTELLIGIBLE)...

O'REILLY: ... you didn't (UNINTELLIGIBLE). How many?

JOSH: How many acts?

O'REILLY: How many participated in sex acts in your apartment?

O'REILLY: Yes, how many participated in sex acts, do you have in your apartment?

JOSH: I don't know. I don't have that tallied up, I'm sorry.

O'REILLY: All right.

JOSH: I haven't even seen the...

O'REILLY: But there were...

JOSH: ... video, (UNINTELLIGIBLE)...

O'REILLY: ... there were more than a few, right, seven or eight? That's what would the information that (UNINTELLIGIBLE).

JOSH: Oh, I'm sure. I mean, it's a long movie, so...

O'REILLY: OK. Now. You can understand, Indiana University facility paid for, subsidized by the taxpayers, this is going on. Now, the administration says didn't know anything about it, even though these guys were around. There was a lot of publicity, didn't know anything about it at all. Do you buy that?

JOSH: Not really, because, I mean, you'd have to be pretty dumb to not know that was going on. I mean, they're not exactly indiscreet. They're porn stars. They're hot girls, they're big stud guys walking around on campus talking to students, e-mailing students, which -- e-mail is not a secure medium. So IU definitely could peek on somebody's e-mail. I don't mean to be like Mel Gibson in "Conspiracy Theory"...

O'REILLY: All right. So it was...

JOSH: ... (UNINTELLIGIBLE)...

O'REILLY: ... around, and once they got thrown out of the dorm after they shot there for three hours, then almost everybody knew, because it was a big spectacle, (UNINTELLIGIBLE) cameras, lights and everything, right?

JOSH: Right, right. I believe...

O'REILLY: So you think...

JOSH: ... yes, I believe they were...

O'REILLY: ... the administration...

JOSH: ... (UNINTELLIGIBLE)...

O'REILLY: Go ahead.

JOSH: What's that? I would...

O'REILLY: You think the administration may be lying?

JOSH: Yes, I do. I mean, God bless IU, all you Hoosiers sitting there watching this, but I think that that's just ridiculous that they would claim that that wasn't going on. And I also think it's ridiculous how they think it's such a horrible thing for the university. Because it's going to boost, like, enrollment and participation...

O'REILLY: But it might not be...

JOSH: ... and all sorts of stuff.

O'REILLY: ... the right students, you know what I mean, Josh? Now, look, I want to talk about you...

JOSH: Well, I'm not (UNINTELLIGIBLE)...

O'REILLY: ... for the last minute here.

JOSH: ... (UNINTELLIGIBLE)...

'Dorm Porn'— A Student Speaks Out (Continued)

O'REILLY: I want to talk about you here.

JOSH: ... that's (UNINTELLIGIBLE)...

O'REILLY: We only have a minute left, Josh.

JOSH: OK, that's fine.

O'REILLY: You're 21 years old. All right? You're 21 years old.

JOSH: Right, 21 years old.

O'REILLY: If you're in this movie, and I don't know whether you are or not, I haven't watched the movie, if you're in this movie doing a sex thing, that's going to hurt you. That's going to hurt you the rest of your life.

JOSH: Right, I know, but I'm not going a sex scene in it. I'm just in there doing a little bit of shaking around, you know?

O'REILLY: All right. But even that's not going to help you. You know?

JOSH: Yes, I know. But, I mean, you've got to have an in somehow. I mean, I'm talking to you, aren't I?

O'REILLY: You're talking to me about what happened there. This is not going to hurt you.

JOSH: That's true. This is (UNINTELLIGIBLE)...

O'REILLY: If you -- unless you're...

JOSH: ... this -- my dream doesn't stop here. I want to try to be a rock star, so...

O'REILLY: All right, Josh, but look, this stuff ain't going to help you be a rock star. It's not going to help you be a lawyer, it's not going to help you do anything. We appreciate you coming on and telling us what really happened. We agree with you, we think the administration did know.

JOSH: Thank you very much, Bill.

Legal Group Urges States to Update Their Family Law

http://story.news.yahoo.com/news?tmpl=story&u=nyt/20021130/ts_nyt/legal_group_urges_states_to_update_their_family_law

By ROBERT PEAR, [The New York Times](#), 11-30-02

WASHINGTON, Nov. 29 An influential group of lawyers and judges has recommended sweeping changes in family law that would increase alimony and property rights for many divorced women, while extending such rights for the first time to many cohabiting domestic partners, both heterosexual and gay.

The proposals, from the American Law Institute, seek to update family law to reflect changes in society over the last 30 years. One conclusion, for example, is that if a spouse has committed adultery, it should not affect a judge's decision about alimony or marital property.

The findings are likely to have a major impact, given the prestige of the institute, a private organization of eminent lawyers, judges and legal scholars that has had immense influence on the development of American law since the group was founded in 1923.

The institute's recommendations on commercial law, torts, contracts, criminal law and other topics have been adopted by many states. Family law, by and large, is set by the states. Already the proposals, circulated among state officials in recent weeks, have touched off a furor among conservatives, who contend that they are biased against marriage.

The American Law Institute has devoted 10 years to drafting the recommendations, which seek to make family law more predictable and consistent.

Judges now have vast discretion in divorce proceedings, so decisions on alimony, child custody and the division of property vary widely by state, and even among judges in the same state.

The report says that a parent's sexual orientation should not be a factor in decisions on child custody, and that domestic partnerships should be treated like marriage in many important respects.

In handling custody disputes, some judges still assume that gays are unfit to be parents. But the American Law Institute declares, "Homosexual conduct, like heterosexual extramarital conduct, should be disregarded unless shown to be harmful to an individual child." Judges, it says, should not be swayed by stereotypes or "prejudicial attitudes."

One of the critics, Lynn D. Wardle, a law professor at Brigham Young University, described the report as a radical effort to equalize the legal status of marriage and domestic partnerships involving unmarried people of the same or opposite sex.

The proposals "could undermine the institution of marriage and reflect an ideological bias against family relations based on marriage," Mr. Wardle said.

The recommendations, developed after an exhaustive review of court cases and consultations with many experts, are addressed to judges, state legislators and other state officials.

In general, the institute said, "domestic partners are two persons of the same or opposite sex, not married to one another, who for a significant period of time share a primary residence and a life together as a couple."

At the end of an intimate relationship, the report said, "a domestic partner is entitled to compensatory payments" similar to alimony "on the same basis as a spouse."

This is a novel concept. Few American courts have awarded alimony to domestic partners.

Likewise, the report said, when domestic partners split up, their property should be divided in the same way a divorce court would divide the property of a husband and wife.

Ira Mark Ellman, a law professor at Arizona State University who was a principal author and editor of the report, said: "Our purpose was to adapt family law to changes in the family as an institution. The law has to take account of social changes driving the family."

Grace Ganz Blumberg, a co-author of the report, said the recommendations indicated that "we were more willing to redistribute income and wealth" than many courts and state legislatures have been.

As a result, said Ms. Blumberg, a law professor at the University of California at Los Angeles, child support obligations would be higher than under current law when a parent having custody of a child earns substantially less than the other parent.

The institute does not encourage domestic partnership or cohabitation as an alternative to marriage, but says that domestic partners, like spouses, incur economic obligations to each other when they live together for any significant time.

Even though the institute is highly respected in the legal world, its proposals could encounter political resistance in some states.

Legal Group Urges States to Update Their Family Law (Continued)

The report said decisions about alimony and the distribution of property should be made "without regard to marital misconduct." Thus, it said, a wife should not receive less alimony because she committed adultery, nor should a husband be required to pay more because he committed adultery.

Judges have often used alimony and property awards to penalize spouses who caused marriages to fail, and about half the states treat marital misconduct as relevant to decisions on alimony. But the institute said that approach was impractical.

"Justice is hardly served by treating one spouse's adultery as relevant to the alimony inquiry without also examining the other spouse's conduct, the tacit understandings between them, and the conduct of both before and after the adulterous episode," the report said. "Deciding which, if either, to condemn is difficult."

The institute's proposals would expand the number of people who can claim custody of a child or visitation rights. Such claims could be made not only by the legal parents, but also by a "de facto parent," defined as an individual who has lived with the child at least two years and "regularly performed a majority of the caretaking functions" without being paid.

For example, the report said, the lesbian partner of a child's biological mother may, in some circumstances, be able to assert a right to custody or visitation when the relationship between the women ends.

Under existing state laws, judges usually award alimony on the basis of some estimate of a person's need for help, but the American Law Institute rejects that standard as vague and subjective.

The institute says the proper purpose of alimony is compensation for financial losses resulting from the breakdown of a marriage, and it refers to alimony as "compensatory spousal payments."

The amount of such payments, the report says, should increase in proportion to the duration of a marriage and the disparity in the spouses' incomes at the time of divorce two factors that can be measured objectively.

Mr. Ellman said payments under this rule would be "more generous than the alimony awards that many courts now order."

Moreover, he said, "the usual result in the most compelling cases the longest marriages would be to reduce substantially the gap in incomes of former spouses after their divorce."

The report deals only with the claims that intimate partners, married or unmarried, have against each other at the end of their relationship. It does not address the treatment of domestic partners for the purpose of taxes, insurance or employee benefits. Still, Professor Wardle said the rules were inappropriate because domestic partners did not have the same expectations as married couples. "Many heterosexual couples enter into domestic partnerships because they wish to avoid marriage and the obligations of marriage," he said.

For more than 150 years, American courts have made custody decisions by asking what arrangements would be in the best interests of the child. The American Law Institute said that standard was "too subjective to produce predictable results" and tended to increase conflict between divorcing parents, as each tried to prove that the other would be a bad parent.

To eliminate such "emotional and subjective factors," the report said, a court should normally award custody to parents in proportion to the amount of time they spent caring for the child before a divorce.

The institute also recommended changes in child support, to ensure that children have "a standard of living not grossly inferior to that of either parent."

Under the proposal, more parents would be required to contribute to the cost of a child's college education, and even graduate and professional education.

Parents "tend to underinvest in the education of children with whom they do not reside," the report said.

Thank you and farewell

<http://www.presstelegram.com/Stories/0,1413,204%257E21479%257E1009682,00.html>

Stephen Horn, Press Telegram, Sections: Opinion, 11-25-02

The end of the 107th Congress marks the end of my decade as a member of the U.S. House of Representatives, and this is also the last column I will be writing as your congressman (although our Lakewood office will remain open until Dec. 31).

Leaving Congress is an event I view with many emotions -- especially gratitude for the high honor of serving and satisfaction with specific accomplishments. But among the emotions I do not feel are the anger, disappointment and bitterness voiced by many people as they leave public life. Indeed, I would like to use this opportunity to say thank you.

Thank you to the thousands of people who have called, written, or come to a meeting during the past 10 years. Whether we agreed or disagreed, I learned from every conversation and every letter. It is both inspiring and humbling to realize the amount of common sense, and the number of good ideas, that are possessed by the American people. I also want to say thank you to the members of the media for 10 years of accurate coverage. Although politicians of both the right and the left often charge the media with bias, I have found that almost all reporters are interested in getting the facts straight and being fair.

No U.S. representative gets anything done without the help of an able staff. I have been blessed with outstanding aides who have worked to help the nation and the people of the 38th District. The Washington staff, under the fine leadership of first Jim Dykstra and currently Dave Bartel has shepherded legislation through both Houses of Congress and fought hard to promote the interests of our area.

Their work saved the Air Force's C-17 project that represents thousands of jobs in our area -- and that has performed so well, including on recent missions in Afghanistan. We secured the federal funding for the Alameda Corridor that allowed the project to be completed on time and on budget. Then we gained the federal funds to complete -- five years ahead of schedule -- the flood control project along the Los Angeles River which lifted the flood insurance mandate on tens of thousands of property owners. The staff also delivered on dozens of other projects ranging from freeway improvements and enhancements at the Ports of Long Beach and Los Angeles, to a ZIP code for Signal Hill and grants for educational institutions such as California State University, Long Beach.

The district office in Lakewood has been ably led by the dedicated and energetic Connie Martinez Sziebl. She and her staff have worked tirelessly to help thousands of residents who had problems with the federal bureaucracy -- everything from missing Social Security checks to incorrect flood insurance premiums.

The achievements of the Subcommittee on Government Efficiency, Financial Management and Intergovernmental Relations, which I have chaired since 1995, would have been impossible without the talented staff led for seven years by J. Russell George and now by Bonnie Heald. The subcommittee has focused on the nitty-gritty issues of saving a buck and making things run better. Its major legislative achievement is the Debt Collection Improvement Act of 1996, which has saved \$14 billion in taxpayer dollars by better collection of debts owed to the government. Through hundreds of investigative hearings, the subcommittee also spearheaded the successful effort to deal with the year 2000 (Y2K) computer conversion, and made a major effort to improve both the financial management of the federal government and its computer security.

Heartfelt thanks are also owed to the voters of this district and the hundreds of people who volunteered on five hard-fought campaigns. Led by Anne Cramer, Steve Conley, Marcia Horn and Steve Horn, Jr., we proved that you can win by running all-volunteer campaigns and without taking Political Action Committee (PAC) money -- if you have solid local support and treat the voters intelligently.

Finally, there are two other thank yous -- one personal, the other general. The personal thank you is to my wife of 48 years, Nini, who has volunteered in the Washington office for the past decade and helped thousands of constituents. The general thank you is the people who protect us at home -- our police and firefighters -- and to the members of our armed forces who protect us around the world.

As we gather with our families and give thanks for our many blessings this week, let us also say a special prayer for these brave men and women who endure hard conditions and are willing, at a moment's notice, to make the ultimate sacrifice for our country.

Stephen Horn, R-Long Beach, represents the 38th District in the U.S. House of Representatives.

Steve Horn returns

Governance: A broad career grounded in results and in principle

<http://www.presstelegram.com/Stories/0,1413,204%257E21479%257E1009671,00.html>

Press Telegram, Sections: Opinion, 11-25-02

Stephen P. Horn, Ph.D, scholar, university president, expert in government efficiency, political reformer and member of the Congress of the United States, is coming home. His work is done.

It would not be done if his constituents had anything to say about it. Congressman Horn, as residents of his district know all too well, got gerrymandered out of his seat by partisan deal-makers who care more about political ease than equity; otherwise the office likely was his as long as he wanted it.

More than a few voters, Republican or Democrat or whatever, would have put him in the race for governor if they'd had the chance, and by any reckoning he would have been the best candidate. He also would have been the most unusual.

Horn knows governance as a political scientist, a historian and a politician: in theory, in fact, in context and in reality. Yet he always approached governance as an idealist: responding, often personally, to the most mundane pleas of his constituents; assigning himself the unglamorous but fruitful task of overseeing government efficiency; and refusing to accept "soft" money, thereby risking his political career at every election as a matter of principle.

Soft money, as probably few of his constituents really understood, is the most corruptive influence in our noble but vulnerable system of government. Soft money also lends itself to no easy remedy. Therefore soft money has few real opponents among politicians, and even fewer who refuse to collect it.

That is so like Horn. He is fully able intellectually and emotionally to manage the human as well as the practical challenges of government, but he never takes the easy way unless it is also the right way. For that, he has willingly paid a price.

When he served as president of Cal State University, from 1970 to 1988, it was somewhat the same. Horn was unyielding in his determination to raise that institution from its modest beginnings as a teachers' college to an academic status previously unimagined. His efforts caused serious damage to relations with his faculty, but he got the job done.

Some of the problems with faculty were Horn's fault. Nobody's perfect. But whatever his faults, they have nothing to do with his personal relationships. Among the thousands who eagerly volunteered to help him at the university and later in his political work, none were more lovingly dedicated than his gracious wife of 48 years, Nini; and the steadfast manager of his campaigns, Steve Horn Jr. As for his staff members, as a letter to the editor on this page suggests, they adore him.

If you haven't had the good fortune to get acquainted personally with Steve (as he likes to be known, despite all his pedigrees), you might like to read his last column, which appears on the facing page. You will find, without surprise, that it is an honest account. If you have had the good fortune to know him well, you probably will find something closer to your heart.

Is it your constitutional right to have babies and not support them?

<http://search.foxnews.com/cgi-bin/website?http://www.foxnews.com/story/0,2933,65322,00.html>

Bill O'Reilly, FoxNews, 10-10-02

FOX NEWS

Hi, I'm Bill O'Reilly. Thanks for watching us tonight.

Is it your constitutional right to have babies and not support them? That is the subject of this evening's *Talking Points Memo*.

David Oakley lives in Wisconsin and has fathered nine children with four different women. Most of the kids live in poverty, and Oakley owes at least \$25,000 in child support.

After years of shirking his responsibilities, the Wisconsin courts finally got tough with Oakley, and the judge sentenced him to eight years in prison, but downgraded the sentence to parole if Oakley would agree not to father anymore children as a condition of that parole.

To stay out of jail, Oakley agreed. But then Harvard law professor Laurence Tribe came riding in on his big constitutional horse. Tribe, who represented Al Gore in the election mess, argued to a Wisconsin supreme court that Oakley's rights were being violated and that the state did not justify its need to bar Oakley from having any more children.

The court ruled against Tribe and Oakley. The four male judges siding with the state. But incredibly, the three female judges sided with Oakley. They were fine with having him father as many children as he wanted without paying for them. Counselor Tribe and the three ladies apparently believe that you and I are responsible for supporting all of Oakley's children, since he will not. Tribe believes the Constitution mandates that all irresponsible procreative behavior is to be accepted by the state.

And I agree. Are you shocked? I don't think the government should be regulating procreation. That is what the Chinese do in a very brutal way. However, the state has a perfect right to charge David Oakley and every other deadbeat parent with child neglect, imprison them, and seek a stable situation for their children.

If the states did that, you would have far fewer Oakleys running around impregnating foolish women. The Supreme Court has refused to hear the case, thereby upholding the judge's ruling. Oakley cannot impregnate anyone else or he goes to jail.

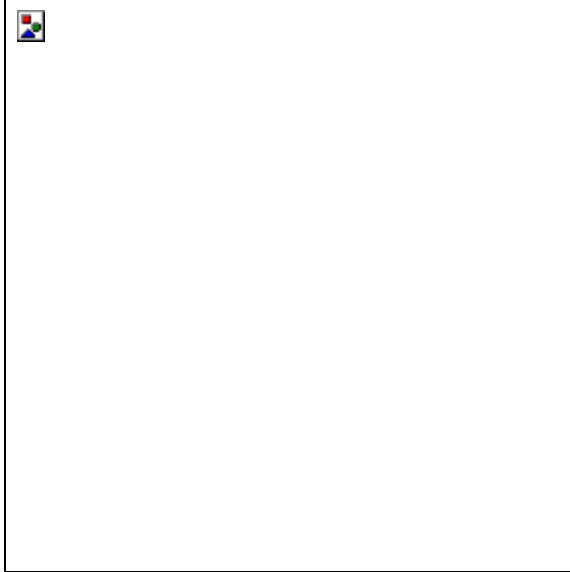
Now I'm fine with that as well, although it does pinch the Constitution a bit. Far better would be to criminally prosecute neglectful parents early on. Hold those that abandon and abused kids extremely accountable.

What is absolutely appalling is the attitude of the Lawrence Tribes of the world, who do not offer viable solutions to crimes against children, and use the Constitution to try to undermine accountability for people like Oakley.

As we saw in the Milwaukee murder of Charlie Young, neglected children can do a great damage to this country. It is way past time to hold the David Oakleys and Laurence Tribes of the world accountable for subverting our society.

And that's *The Memo*.

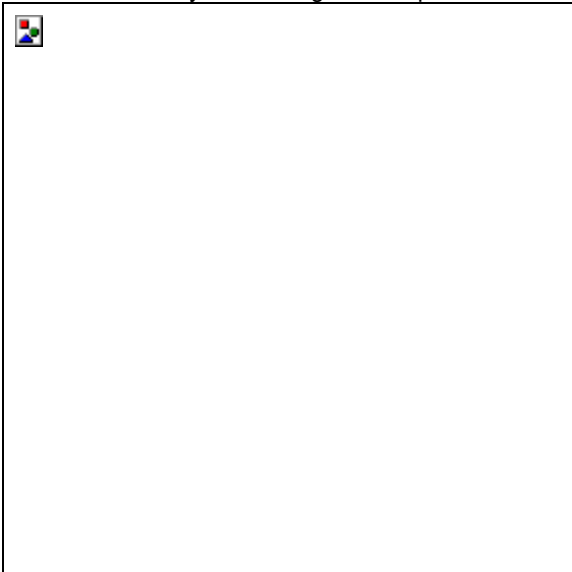
GAO concludes Accenture, others, use tax havens
http://www.washingtontechnology.com/news/1_1/daily_news/19167-1.html



[Patience Wait](#), Washington Technology Staff Writer, 10-03-02



The General Accounting Office has concluded that four of the 100 largest federal contractors are incorporated offshore in tax haven countries as a way of lowering their corporate taxes.



One of the four, Accenture Ltd. of Hamilton, Bermuda, is ranked No. 24 on Washington Technology's 2002 list of Top 100 federal IT

prime contractors. The company had \$279 million in federal contracts in fiscal 2001, according to the GAO report. Overall, the four companies pulled in \$2.7 billion in government contracts during 2001.



GAO studied the issue of corporate tax avoidance at the request of Rep. Henry Waxman, D-Calif., ranking member of the House Government Reform Committee and Rep. Jim Turner, D-Texas, ranking member of the Government Reform subcommittee on technology and procurement policy.



Turner introduced the Patriotic Purchasing Act, which was cosponsored by Waxman and 59 other representatives, that would bar companies incorporated in tax havens from winning new government contracts. The act has been included as an amendment to the bill passed by the House of Representatives authorizing the creation of a Department of Homeland Security.



"Corporate expatriates should not continue to benefit from government contracts," Waxman said. "It is wrong to make U.S. taxpayers pay billions for contracts with companies that renounced their citizenship in order to evade taxes."



Besides Accenture, the other three companies identified as incorporating in tax havens were McDermott International Inc. of Panama, with almost \$1.9 billion in federal contracts in fiscal 2001; Foster Wheeler Ltd. of Bermuda, with \$286.3 million; and Tyco International Ltd., Bermuda, worth \$206.4 million.



The report said that McDermott, Foster Wheeler and Tyco had conducted "corporate inversions," the term given to companies that were

incorporated in the United States and then re-incorporated in a tax haven.



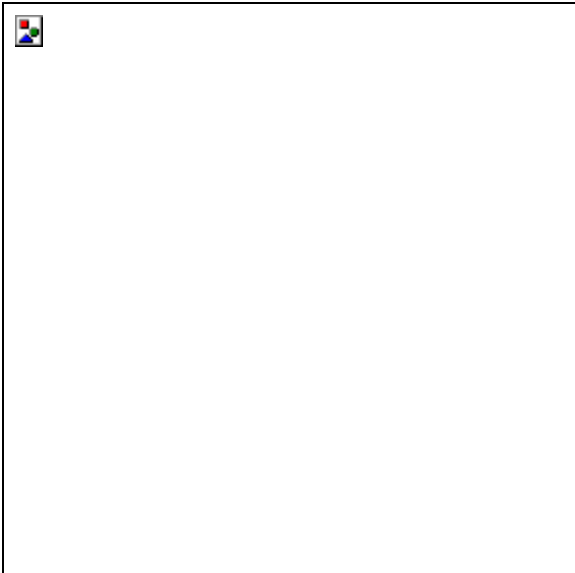
Accenture spokeswoman Roxanne Taylor said the GAO report vindicates the company's position that it was never a U.S. corporation.



"Our contention has always been that we were not a U.S. company," Taylor said. "They have communicated very clearly the fact in their own report that Accenture is not an inversion."



Accenture was part of Andersen Worldwide, which is based in Chicago. When it split from its parent, it operated as a series of related partnerships, according to the GAO report. In April 2001, it conducted an initial public offering and incorporated in Bermuda.



The GAO report said that about 43 percent of Accenture's contracts were with the Defense Department, and approximately 98 percent of the contracts were for automatic data processing and telecommunications services and equipment.

Davis vetoes tests to ID dads

PATERNITY: Men forced to support children not their own say bill would have offered relief. They vow to fight on.

<http://www.dailybreeze.com/content/bln/nmpaternity28.html>

Jasmine Lee, Daily Breeze, 09-28-02

Despite a last-minute lobbying effort by South Bay and statewide supporters, Gov. Gray Davis on Friday vetoed a bill that would have allowed some men to dispute paternity with a DNA test after they are ordered to pay child support.

Davis acknowledged that something should be done to curb the growing problem of paternity fraud, but he said Assembly Bill 2240 would only delay the legal process of collecting child support payments and provide a loophole for biological fathers trying to shirk parental responsibilities.

Davis also said if the bill became law, the state might not meet federal requirements on collecting child support payments, putting California at risk of losing \$40 million in federal funds.

"I recognize that paternity fraud is a serious issue and has the potential of damaging an individual's livelihood," Davis wrote in a veto message. "However, AB 2240 is flawed in its attempt to address the issue."

Carson resident Bert Riddick, a paternity fraud victim profiled in a Daily Breeze article in July, said Davis was missing the big picture. He called the governor's claims about losing money "smoke and mirrors."

Riddick protested that truth — not federal funds — is what's at stake. He said the system lies to children about paternity and allows mothers to falsely name men as fathers. "What message are we sending to our children?" he asked.

Even though a DNA test excluded him as a biological father, Riddick pays \$1,400 a month to support the daughter of an ex-girlfriend. Because a court summons was not properly served, he missed his day in court and a default judgment was entered against him.

AB 2240 could have allowed Riddick to use the DNA evidence to dispute the paternity claim.

Riddick had organized a grass-roots, call-in campaign to urge Davis to sign the bill and remained optimistic until he learned of the veto Friday afternoon. For years, Riddick worked along and with such groups as the American Coalition for Fathers & Children and the California chapter of Citizens Against Paternity Fraud, to get the bill before the governor.

Assemblyman Rod Wright, D-Los Angeles, author of AB 2240, also sent a letter urging Davis to sign the bill. Cine Ivery, the district director for Wright's Los Angeles office, said the assemblyman is disappointed, but he did not immediately have a comment.

Opponents of the bill called the veto a victory for children.

"We agree there are paternity fraud issues and that the system is not working 100 percent," said Lupe Alonzo-Diaz, senior policy advocate for the San Diego-based Children's Advocacy Institute. "But we're glad that the governor put children first."

The National Organization for Women and the Oakland-based National Center for Youth Law also spoke against AB 2240.

Wright's bill would have required process servers to personally hand a court summons to men named in civil cases for child support. Servers now can mail or leave a summons at a last known residential or business address. Also, men who had already been ordered to pay child support through a default judgment — which means they did not appear in court to dispute paternity charges — would have been able to challenge paternity with a DNA test.

In his veto message, Davis directed the state Department of Child Support Services to work with the Legislature and lobbyists on both sides of the issue to find ways to address paternity fraud.

Alonzo-Diaz said she can see flaws in a system that forces men to pay for children who are not theirs. More than 70 percent of Los Angeles County men who pay child support were ordered to do so by default judgment.

However, the Children's Advocacy Institute was concerned about AB 2240 because it did not provide money for the child's food, school supplies and other needs while proof of paternity was pending. Alonzo-Diaz also pointed out that a man could claim he is not a biological parent, and then a test could conclude he is the father.

Also, parenthood is more than just DNA, she said.

"Biology is not the one factor that makes a father," Alonzo-Diaz said.

Riddick, married with an 11-year-old son and daughters ages 6 and 3, wondered who would advocate for his children.

"I wish (Davis) would come to my house and tell my son why he can't sign this bill," he said.

He challenged Davis to explain to his son, Azriel, why Riddick must pay for another child at the expense of his own children.

But, he said, the fight is not over. Riddick said he will continue to lobby to reform paternity fraud and has even considered running for the state Legislature.

"I'm not going anywhere," he said. "It's not over."

Publish Date: *September 28, 2002*

Interstate Car Chase Ends in Tragedy

<http://www.washingtonpost.com/wp-dyn/articles/A57550-2002Sep23.html>

The Associated Press, 09-23-02

RALEIGH, N.C. — A man kidnapped a former girlfriend Monday and fled to Virginia in his pickup truck, firing at police and other motorists before killing his hostage and then himself, authorities said.

The murder-suicide was confirmed by Raleigh Police Capt. D.S. Overman, who did not release the names of the two. The man kidnapped the woman and two children at a Raleigh intersection late Monday afternoon. The truck stopped a short time later to let out the children, whose relationship to the adults wasn't immediately clear.

Police cars and a state Highway Patrol helicopter followed the truck across several counties in two states. During the chase, the man fired at police and other motorists but no one was wounded, the highway patrol said.

North Carolina authorities trailed the driver by several hundred feet. The truck was stopped along Interstate 85 about two hours after the abduction by Virginia troopers who spread barbed sticks on the road to puncture the tires.

The truck was stopped in Brunswick County, Va., approximately 80 miles north of Raleigh.

© 2002 The Associated Press

Kerkorian Ex-Wife Gets Little More

http://story.news.yahoo.com/news?tmpl=story&u=/ap/20020914/ap_on_re_us/kerkorian_support_1

GARY GENTILE, AP Business Writer, 09-14-02

LOS ANGELES (AP) - Billionaire Kirk Kerkorian's ex-wife was awarded an additional \$316 a month in child support Friday, a pittance compared to the \$270,000-a-month increase she had sought.

The 84-year-old studio mogul had already agreed to pay \$50,000 a month to support 4-year-old Kira. But her mother, Lisa Bonder Kerkorian, argued the girl needed \$320,000 a month to continue living her ex-husband's lifestyle of private jet flights, expensive hotel accommodations and lavish parties.

Judge Lee Edmon called the estimates "incredible" and a "disguised form of spousal support."

The 37-year-old ex-wife said she would appeal. She said the judge "severely underestimated" the cost it takes to maintain her daughter in a lifestyle Kerkorian created for her.

Dennis Wasser, a lawyer representing Kerkorian, said he was pleased "that the judge, instead of accepting the fantasy world presented by Lisa Kerkorian, followed the law and the facts and ruled on the basis of common sense."

Edmon said Kira "is entitled to live a luxurious lifestyle" but is not entitled to private jet travel. Other items the judge threw out as "grossly exceeding the reasonable needs of the child" included \$300,000 for six parties per year and \$6,000 per month for house flowers.

The judge did award Bonder Kerkorian \$2,400 per month for Kira's equestrian activities and \$1,400 per month for French lessons, ballet lessons and other extracurricular activities.

Kerkorian and Bonder Kerkorian, a former tennis pro, had a 10-year romantic relationship but were married for only a month, in 1999. Although her attorneys originally claimed Kerkorian was Kira's natural father, Bonder Kerkorian recently admitted she faked the DNA paternity test by using saliva she obtained from Kerkorian's adult daughter.

Kerkorian has said he is willing to support the child even though he is not the biological father.

Kerkorian is worth an estimated \$4.5 billion according to the most recent Forbes magazine list, released Friday.

He is the majority shareholder in the Metro-Goldwyn-Mayer movie studio and MGM Mirage Inc., which owns several Las Vegas Strip hotels.

Not the dad? Pay anyway
Men fight state laws that don't distinguish
http://www.freep.com/news/mich/dad16_20020916.htm

WENDY WENDLAND-BOWYER, FREE PRESS STAFF WRITER, 09-16-02

Each week, \$63 from John Ruff's paycheck goes toward child support for a daughter he didn't father, being raised by an ex-girlfriend he no longer sees.

Ruff said years ago, when his ex-girlfriend told him she was pregnant with his child, he believed her. He signed paternity papers, started paying child support and regularly saw the child.

But when Ruff heard rumors the child was not his, he got a DNA test. The result: He wasn't the dad.

Ruff presented this proof to an Oakland County judge. He thought it was enough to stop child support payments and to be removed from legal documents.

He was wrong.

"I hate to say it, but the whole part where I went wrong was the part where I tried to stand up and be a man and take responsibility for what I thought was my daughter," said Ruff, 29, who had lived in Ortonville. He has since married and moved to Grand Rapids.

"I should have been a jerk and tried to protest what she was saying."

Just as DNA has freed inmates imprisoned for crimes they did not commit, it should also free men from financial support for children they did not father, Ruff and others say.

In Michigan and many other states, legislators are considering laws to do just that.

Last year, the state House passed a package of bills that would permit people to get out of paying child support when a child is not biologically theirs. The bills also permit the cancellation of child support arrearages in such cases and penalize mothers who fraudulently say a man fathered their baby.

The bills sat in the state Senate Committee on Families, Mental Health and Human Services since then because of mostly legal concerns, said Amy Zaagman, chief of staff for committee Chairwoman Sen. Beverly Hammerstrom, R-Temperance.

Zaagman said her boss is not against the concept of the bills but has several legal concerns. For instance, when a man who is not married signs paternity papers, he waives his right to a DNA test. If the man has any doubts, he should raise them then, not years later, Zaagman said.

Also, one bill allows the man to stop paying child support but keep parenting time with the child.

"Where is the best interest of the children in all this?" said Zaagman. "Here's someone who had a relationship with the child, established some responsibility for the child . . . yet now he doesn't want to be responsible anymore but wants parenting time? How does that benefit the child?"

Dr. Damon Adams, a dentist from Traverse City, is leading the push for the bills. Adams said the bills are in children's best interest because kids have a right to the truth and should know their medical history.

"When something like this happens, the best way to heal is for the truth to come out," he said.

Adams knows firsthand about the problem. Shortly after his marriage of 25 years ended, he discovered he did not beget his fourth child, who was 8 at the time.

"It was the worst feeling I've ever had to go through in my life," Adams said. "It felt like a death."

Adams, too, presented the DNA evidence in his case to a judge but was told he had to continue paying child support. He said he pays more than \$18,000 a year.

Society outgrew system

The current legal system is based on 500 years of common law that gave children born within a marriage the right to claim the man in the marriage as their father, said Christi Goodman, program manager for the National Conference of State Legislatures.

But as society changed, and it became more common for children to be born outside of marriage, the laws were adjusted. More effort was made by the government to establish paternity and get single men to take responsibility for their children.

Not the dad? Pay anyway (Continued)

DNA testing didn't become accurate until about five to eight years ago, Goodman said. Then, men who suspected a child was not theirs suddenly had a way to prove it.

Now, many of these men are finding out that DNA evidence may not be enough. So they're demanding that laws be changed, Goodman said.

"It is causing a public stir," she said.

In Michigan, one of the groups to oppose the bills is the Family Law Section of the State Bar of Michigan.

Chairwoman Meri Anne Stowe said she can sympathize with men who are married and later discover a child is not biologically theirs. But Stowe said she is even more concerned about the children in these cases, who know only that man as "Dad."

"We don't want to illegitimize a whole class of children, and we don't want to impoverish a whole class of children," Stowe said. "We have to look at the greater good."

In Ruff's case, the girl he was told is his daughter was 4 when he had the DNA test done. Ruff told Oakland County Judge John McDonald that he had been deceived by his ex-girlfriend, presented the DNA evidence and said he only signed the paternity papers because he thought the girl was his.

But court records show McDonald didn't believe him. Rather, he believed the ex-girlfriend who told him that Ruff knew all along the child wasn't his but told her he wanted to raise the girl as his own.

Ruff said he hasn't seen the girl, who is now 8, since 1998. Ruff said he has paid \$26,000 in child support. He said he would like to start a family with his wife but fears he can't afford it.

"I've done everything I could do to get this decision reversed," Ruff said. "But I'm not about to give up."

Contact WENDY WENDLAND-BOWYER at 313-223-4792 or wendland@freepress.com.

HOW TO BE HEARD

Four bills that relate to paternity fraud will come up for testimony before a state Senate committee later this month. They are House bills 4635, 4636, 4637 and 4638.

The proposed legislation would permit men who have scientific proof they are not the father to stop paying child support and get out of paying past-due child support orders. The bills would also make it a crime to misidentify someone as a father, among other things. All bills passed the House last year. For more information on the bills, visit www.michiganlegislature.org.

A public hearing on the bills before the Senate Committee on Families, Mental Health and Human Services is set for 3 p.m. Sept. 25 in Room 100 of the Farnum Building in Lansing.

To learn more about the hearing or about how to send written comments, call committee Chairwoman Sen. Beverly Hammerstrom's office, at 517-373-3543 between 9 a.m. and 5 p.m. weekdays.

Lawrence County judges free 37 child-support offenders

<http://www.post-gazette.com/localnews/20020912support0912p7.asp>

Jan Ackerman, Post-Gazette Staff Writer, 09-12-02

Bowing to pressure from the American Civil Liberties Union, Lawrence County judges yesterday released 37 defendants who had been jailed without hearings for not paying court-ordered child support.

Philip Boudewyns, Lawrence County court administrator, said all those in Lawrence County who were incarcerated for nonsupport after being held in civil contempt were released on orders of President Judge Ralph D. Pratt.

"After the president judge reviewed the cases of these 37 individuals, he decided to release them in order to maintain their civil liberties," Boudewyns said yesterday.

He said the nonsupport cases will be referred back to the county's domestic relations office, where attorneys can file new civil contempt charges against the defendants if they believe charges are warranted.

If new charges are filed, Boudewyns said, the cases will be handled under revised procedures. Each defendant will be brought before a judge for a hearing, where he can either clear himself of the contempt or offer explanations for being in arrears with payments. In the past, defendants in child support disputes in Lawrence County were being jailed without hearings or access to legal counsel.

Court officials immediately notified Witold Walczak, executive director of the Pittsburgh ACLU chapter, who had threatened to sue them for violating the constitutional rights of the men in the nonsupport cases.

"This is an essential first step to keep this dispute out of litigation, and we are pleased that the judges are taking it," said Walczak, who visited Lawrence County last week to discuss the county's methods for handling support issues.

He said an unresolved issue is whether Lawrence County judges will appoint lawyers to handle civil contempt issues involving child support. When he met with the judges last week, Walczak told them the law is clear in that anyone facing imprisonment is constitutionally entitled to a lawyer in civil and criminal procedures.

Boudewyns said the judges still are reviewing that issue. Until their review is complete, he said, no lawyers will be appointed for defendants who are accused of not paying child support.

Jan Ackerman can be reached at jackerman@post-gazette.com or 412-263-1370.

ACLU forges deal on nonsupport cases
<http://www.post-gazette.com/localnews/20020907lawrence5.asp>

Jan Ackerman, Post-Gazette Staff Writer, 09-07-02

After a visit from the head of the Pittsburgh American Civil Liberties Union, Lawrence County court officials agreed to make sure that people who are apprehended for not paying court -ordered child support have a hearing before they are jailed.

That was one immediate outcome of yesterday's meeting between Lawrence County judges and ACLU Executive Director Witold Walczak, who said his office has investigated the procedures in their domestic relations court and believed they may be constitutionally flawed.

Philip Boudewyns, Lawrence County court administrator, said yesterday's meeting was cordial and the judges were open to suggestions from Walczak. Last month, Walczak advised Lawrence officials that his office had evidence that defendants in child custody disputes were being jailed without hearings or access to legal counsel.

Walczak said the court agreed to review its procedures involving 40 people who are in jail on civil contempt in child support cases and to decide by Wednesday whether any of them should be released.

But he was not able to persuade the Lawrence county judges to appoint lawyers to represent indigents who are jailed for civil contempt after not paying support.

"They contend they don't need [a lawyer]. We contend they do," Walczak said.

Boudewyns said the judges plan to do more research on that issue before deciding whether to make any changes.

Walczak said the law is clear that anyone facing imprisonment is constitutionally entitled to a lawyer, whether or not the procedure is civil or criminal.

At hearings for failure to pay support, Walczak said, a judge typically would not advise the defendant that he had a right to an attorney, would impose a six-month suspended sentence and release the defendant. If the defendant failed to make payments, the court issued a bench warrant for civil contempt and sent out a notice of a hearing. If the individual failed to appear, he would be jailed and his suspended sentence would be activated without another hearing or legal representation.

Yesterday, Boudewyns said, the judges agreed that a person who is picked up on a bench warrant for unpaid child support must appear before a judge before a suspended sentence can be imposed.

According to his letter, Walczak's request to review the prisoners' court files was refused, even though they presented authorization forms from the prisoners.

Boudewyns said a process will be created so that the ACLU and attorneys can review the public portions of the prisoners' files.

Walczak said Lawrence court officials appeared to be operating in good faith.

Jan Ackerman can be reached at jackerman@post-gazette.com or 412-263-1370.

Human Services Officials to Recognize Employers' Role in Child Support

http://biz.yahoo.com/bw/020829/290239_1.html

BUSINESS WIRE, 08- 29-02

WASHINGTON--(BUSINESS WIRE)--Aug. 29, 2002--The American Payroll Association will hold a joint press conference with federal and state child support officials Tuesday, Sept. 3 to acknowledge National Payroll Week and the impact of employer participation in the child support enforcement system.

The conference will take place at 10 a.m. in the Central Office of the Virginia Department of Social Services, 730 E. Broad St. in Richmond, Va.

"Employers understand that they play a key role in ensuring that families get the child support funds to which they are entitled," said Dan Maddux, Executive Director of the 21,000 -member American Payroll Association.

In addition to Maddux, the press conference will feature Virginia Secretary of Health and Human Resources Jane H. Woods, Social Services Deputy Commissioner and Director of Child Support Enforcement Nick Young, and Dr. Sherri Heller, Commissioner of the federal Office of Child Support Enforcement, a division of the Department of Health and Human Services. The conference will feature a tour of the Virginia State Disbursement Center, which processes the child support monies employers collect.

State child support performance is monitored closely by the federal Office of Child Support Enforcement, which can have a bearing on the level of funding a state child support office receives. In FY 2000, the most recent year for which data is available, child support agencies jointly collected \$18 billion. Nearly two out of every three child support dollars was collected via wage withholding.

In Virginia alone, employers are responsible for the collection of child support for more than one quarter of the children in the state, according to state officials. In FY 2002, income withholding by employers from employee paychecks accounted for \$372 million or 75 percent of the record \$474 million collected in child support.

Under federal law, employers play a key role in child support enforcement, performing two vital functions:

- Promptly reporting new hires and rehires to state child support offices, and
- Processing wage withholding or medical support orders sent by state child support offices, courts or other entities.

For more information on child support and the payroll process visit: www.americanpayroll.org/press.html.

The APA is a professional association committed to the efficient and cost -effective implementation of the payroll process. APA's more than 21,000 members perform payroll processing services for individual companies, although APA also represents many companies that provide payroll -related services or are vendors of payroll -related products. To help protect the quality and integrity of the payroll process, APA trains approximately 18,000 professionals on tax compliance, garnishment administration and other payroll -related topics. APA also works closely with federal, state and local government agencies and lawmakers to ensure that payroll -related policies are administrable and cost effective for employers. APA offices are located in San Antonio, Texas, New York and Washington, DC. There are also more than 110 local chapters located around the country.

Contact:

American Payroll Association
Rita Zeidner, 202/682-4785 or 703/998-7489
rzeidner@americanpayroll.org
www.americanpayroll.org
or
Richmond Child Support Office
Charles Ingram or Melissa Wilfong, 804/692 -1619 or 804/692-1500

Source: American Payroll Association

Ex-Raider Caught in Support Sting

http://story.news.yahoo.com/news?tmpl=story&u=ap/20020801/ap_on_sp_fbn_child

AP, 08-01-02

PHILADELPHIA (AP) - A former defensive end for the [Oakland Raiders](#) was among 61 people arrested in a nationwide sweep of parents who authorities said failed to pay child support.

[James Harris](#), an NFL journeyman who played in 82 games from 1993-99, was arrested Wednesday in Chicago. Prosecutors said Harris owes \$100,000 in child support for a son who lives in Pennsylvania.

The arrest was part of a roundup of child support defaulters by the Department of Health and Human Services ([news - web sites](#)). Investigators made arrests in 25 states as part of the sweep. Prosecutors said they are seeking an additional 41 suspects on charges that they skipped out on court-ordered payments to their children.

Collectively, the defendants owe around \$5 million, authorities said. All were at least one year late in making payments and officials said many have not made a payment in several years.

The 34-year-old Harris, of East St. Louis, Ill., was a linebacker at Temple University before joining the NFL. He made \$1.5 million in his pro career, which included stints with the [Minnesota Vikings](#) and [St. Louis Rams](#), prosecutors said.

He was released on a \$100,000 bond. His case will be tried in Philadelphia, prosecutors said.

Dozens of Deadbeat Parents Busted in U.S. Sweep

http://story.news.yahoo.com/news?tmpl=story&u=nm/20020801/ts_nm/life_deadbeats_dc_2

Reuters, 07-31-02

WASHINGTON (Reuters) - Dozens of America's most wanted "deadbeat" parents, including a former pro football player, have been arrested this week in a nationwide crackdown on people who chronically default on child support payments, a federal official announced on Wednesday.

Teams of federal and state authorities rounded up 61 deadbeat parents in 25 states, Washington, D.C., and Puerto Rico and are pursuing 41 others, Health and Human Services Secretary Tommy Thompson said.

"These parents have a demonstrated ability to meet their financial responsibilities to their children, but they have consistently refused to provide the support they owe," Thompson said in a statement.

Among those taken into custody were former professional football player James E. Harris, who finished his National Football League career with the Oakland Raiders in 1999, said Katherine Harris, an HHS spokeswoman.

The former football player earned more than \$1 million in each of the two years he spent with the Raiders, the spokeswoman said. He currently owns a housing development corporation in Missouri and is \$103,000 in arrears in child support payments, according to the Health and Human Services department.

Harris could not be reached for comment.

HHS said others arrested in the sweep include an Oklahoma sheet metal worker who has not made a child support payment in 16 years and now owes \$297,000; a Florida pharmacist who owes \$63,000 and a Texas car salesman who has crossed state lines and quit several jobs to avoid paying child support.

The 102 defaulters sought in the sweep collectively owe more than \$5 million in child support, the statement said. Thompson said they were among the most "egregious offenders" from cases referred by state agencies to federal authorities for investigation.

HHS spokeswoman Harris said the sweep for child support defaulters, which began on Monday, is the largest such effort since the federal agency launched a special enforcement program four years ago.

"It's a high priority for the department because it's a question of responsibility and what is right," Harris said of the need to crackdown on those who routinely miss child support payments. "Children suffer because of this," she said.

White House Hails Bankruptcy Bill

http://story.news.yahoo.com/news?tmpl=story&u=/ap/20020726/ap_on_go_co/congress_bankruptcy_15

JESSE J. HOLLAND, Associated Press Writer, 07-26-02

WASHINGTON (AP) - Hours after making big business more liable to the public, Congress also moved toward making it more difficult for Americans to escape overwhelming debt through bankruptcy protection.

"In these hard economic times, while we're dealing with corporate responsibility, we should also address personal responsibility," GOP Sen. Orrin Hatch of Utah said.

After arguing for five years, House and Senate negotiators finally came to an agreement Thursday on a compromise bill that would make it tougher to get credit card and other debts forgiven in bankruptcy court.

White House Spokesman Ari Fleischer praised the agreement. "The president looks forward to signing that," Fleischer said.

The legislation had been stalled all year over a Democratic demand for a provision ensuring that abortion protesters who are sued successfully may not use bankruptcy laws to avoid payment. But with the new agreement, lawmakers planned to put the bill on the fast track before going home for the summer.

The Republican-controlled House was expected to take the bankruptcy bill up Friday, GOP aides said.

How quickly it would move through the Democratic-controlled Senate was uncertain, but "we have worked hard for a year to make this a better and more balanced bill, and we have succeeded," said Sen. Patrick Leahy, D-Vt., chairman of the Senate Judiciary Committee. The legislation applies a new standard for determining whether people filing for bankruptcy should be forced to repay debts under court-approved reorganization plans rather than having them dissolved. If a debtor is found to have sufficient income to repay at least 25 percent of the debt over five years or has at least the median income for his or her state, a reorganization plan generally would be required.

Under the current system, it is usually left to a bankruptcy judge or a private attorney appointed by the Justice Department to decide whether someone qualifies for dissolution of debts or should be forced to repay under a reorganization plan. The credit card industry, which claims millions of dollars in losses a year from bankrupt consumers, has long lobbied for changes in the bankruptcy laws.

"At long last, we'll be able to close loopholes exploited by big spenders who have the ability to repay their debts and better protect consumers who have been left to pay higher prices for goods and services as a result," said Sen. Charles Grassley, R-Iowa.

Opponents charged that, particularly in a sagging economy, the measure would remove a crucial safety net for people who have lost their jobs or face huge medical bills, as well as for single mothers seeking child support from bankrupt fathers.

Sen. Paul Wellstone, D-Minn., one of its leading opponents, likely will try to stop the bill by saying tens of thousands of people have lost their retirement savings and jobs since the Enron Corp. and WorldCom Inc., accounting scandals became public.

"This bill is a dastardly one for consumers, especially in these economic times," Wellstone spokeswoman Allison Dobson said. "It should be embarrassing for people to vote for this."

The provision holding up the bill was targeted at violent abortion protesters. It would prohibit people who attack or block access to abortion clinics from declaring bankruptcy to avoid paying court-ordered fines.

A GOP aide, speaking on condition of anonymity, said Republicans succeeded in limiting the provision to only people who intentionally or knowingly violate the law.

YES: If DNA is used to free death-row inmates, we should accept it in paternity cases

Dianna Thompson, ACFC, 05-02-02

In recent years our nation's courts have come to accept DNA evidence as absolute proof of innocence. For example, genetic evidence has been used to free death-row inmates and to exonerate individuals wrongly convicted of rape and other crimes. Even so, courts have been slow to accept DNA as proof when a man contends he should not have to pay child support for a child that is not his.

State legislators have sought to ease the financial burden of welfare payments by demanding that aid recipients name the fathers of their children. Laws that once sought to distribute welfare payments by collecting money from former spouses and lovers have been manipulated into tools for extorting child-support payments from men who did not father the children.

For centuries, courts followed a rule known as the "presumption of paternity." This tenet of common law states that unless a man can prove that he is sterile, impotent, or was away from home at the time of conception, he is the legal father of any child born to his wife during their marriage. The Romans first adopted this rule, and the English incorporated it into common law some 500 years ago.

Despite scientific advances and case law that supports the use of DNA tests as evidence in exonerating the accused, the presumption of paternity remains in practice even today. Because of this, courts have allowed mothers to commit perjury, assigning paternity to former spouses or, in the cases of those never married, former lovers.

Because none of the 50 states requires a mother who files a claim for child support to advise the court or child-support agencies when another man potentially could be the father, thousands of men are paying support for children who may not be their own. This deception has come to be known in legal circles as "paternity fraud."

Many states have opted to look the other way when it comes to adopting legislation against this type of deception. Only two states have instituted legislation that allows men unlimited time to challenge paternity using DNA testing: Maryland, which passed legislation in 1995, and Ohio, which passed its bill in 2000. The Georgia Legislature recently passed a paternity-fraud bill that now awaits the governor's signature.

Several states, including California and Colorado, have similar legislative proposals that would address this growing problem. The California Paternity Justice Act of 2002 (AB 2240) would require DNA testing in cases of disputed paternity. Other states have addressed this problem by limiting paternity challenges: Iowa allows a maximum of three years for such challenges, Colorado allows five years and Louisiana 10 years.

Alaska requires that unwed parents establish paternity through genetic testing. In doing so, child-support orders are issued only to biological fathers. Even so, Alaska remains the only state with such legislation.

Los Angeles County fails abysmally at ensuring that only men who fathered a child may be required to pay that child's support. In 2000 alone, more than 79 percent of the county's paternity judgments were assigned by default, meaning that the suspected father never had his day in court.

Many of the men assigned default judgments for child support never received summonses to appear in court. Because of the prevalence of default judgments, men who have not fathered a child can turn into "dads" instantly when the court enters a default judgment.

Once applied, that label is difficult, if not impossible, to remove. State agencies and district attorneys frequently fight such appeals, challenging anyone who fails to respond to a court summons - even one served to a "last-known" address. This aggressive pursuit of assigning paternity at any cost has ensnared thousands of innocent men mistakenly identified as having fathered children who do not belong to them.

The prevalence of paternity fraud has reached startling proportions. As many as 28 to 30 percent of men tested for paternity learn they are not biologically related to the children they allegedly fathered, according to the American Association of Blood Banks.

The high incidence of default paternity judgments can be tied to economic motives: More than 11 million fathers do not live with their children. Nationwide, child-support collections have grown to more than \$18 billion annually. State legislatures long have sought to offset the financial drain of welfare payments made to single mothers by identifying biological fathers who do not live with their children.

State child-support agencies receive federal reimbursements of two-thirds of their administrative budgets, in addition to incentives of 6 to 10 percent for each dollar of child support collected. Under federal guidelines, states must identify the fathers of children whose mothers are receiving welfare benefits or risk losing incentive monies. Federal guidelines also encourage aggressive collection efforts by allowing states to retain the cost of welfare benefits from child-support payments made by the noncustodial parent. Because federal rules do not require DNA testing to prove paternity, states have no incentive to investigate claims of fraud and every reason to fight efforts to disestablish paternity.

YES: If DNA is used to free death-row inmates (Continued)

Private child-support agencies have similar motives in refusing to acknowledge DNA evidence disproving paternity. Mothers routinely contact private agencies in an attempt to collect past-due court-ordered child support. In enforcing court orders, these agencies routinely collect 30 percent of the past-due amount, in addition to 30 percent of all future payments. Because these agencies enforce court orders, they have no reason to cease collection efforts once presented with DNA evidence refuting paternity.

The true impact of paternity fraud goes far beyond the dollars collected from men who are not fathers, however. For children facing life-threatening illnesses, such as cancers requiring bone-marrow transplants or other medical emergencies, knowing one's biological heritage can be a matter of life or death. While courts acknowledge and rightfully respect the confidentiality of adoptive parents, the practice of assigning paternity to uninformed and unrelated individuals goes beyond fraud - it potentially places the lives of children in danger.

Some argue that demanding accuracy in determinations of fatherhood would harm children who have established relationships with men they believe to be their fathers. Make no mistake: In most cases of paternity fraud, the children have never even met the supposed father. Furthermore, court proceedings for assigning fatherhood do not seek to establish a relationship between a parent and a child. Instead, paternity hearings seek to establish only a financial obligation on the part of the alleged father to the child.

Because states refuse to prosecute mothers who make false claims about their child's paternity, countless men are forced to spend thousands of dollars to clear their names while also supporting children fathered by others. Consider the following cases:

The Sonoma County, Calif., district attorney refused to rescind a child-support order against Nick Napoli despite DNA testing that proved he did not father the two children assigned him by court order. The district attorney's office told Napoli that even if they had proof he wasn't the father, they could not reassign paternity without the mother's consent. Napoli now owes \$19,180 in back child support for the children.

Dylan Davis of Denver learned that 6-year-old twin children were not his following his divorce. Because Colorado allows only five years for challenges to paternity findings, Davis now must pay a total of \$145,000 in child support through the twins' 19th birthdays.

In June 2000, California's 4th District Court of Appeals ruled that Darin Reeves of Rancho Santa Margarita would have to continue paying child support for a child he did not father. Since 1995, Reeves has paid more than \$51,000 in child support and welfare reimbursements, in addition to \$11,000 in legal fees that he has spent fighting the finding of paternity.

Dennis Caron of Ohio was jailed for 30 days for refusing to pay child support for a child that DNA tests show is not his.

Even the ultrawealthy are not exempt, as MGM mogul Kirk Kerkorian learned when his ex-wife, Lisa, filed court papers asking for \$320,000 a month in child support, despite DNA evidence proving Kerkorian is not the father of her child. Kerkorian's ex-wife claimed that he knew of her infidelity and went along with it to improve his public image.

Interestingly, women from a variety of financial backgrounds provide fraudulent information regarding their children's paternity. Who they name as the father oftentimes depends on their marital status. Married women most often name the men who were their husbands at the time of conception, fulfilling a societal expectation of monogamy. However, unmarried women who have multiple intimate partners most often name the men who will best provide financially for their children. In some cases, mothers will implicate men whom they believe will fill the role of a father to their children.

When courts allow mothers to pick and choose who will be financially responsible for their children, regardless of true parentage, fraud will prevail. When the truth no longer matters, state agencies tend to decide they have no obligation to seek out biological fathers and refuse to acknowledge DNA evidence disproving paternity.

Yet society long has acknowledged the connection between biological parents and their children. Courts have returned children who were switched at birth to their biological parents after years of living with the wrong parents. In 1972, the U.S. Supreme Court acknowledged in *Stanley v. Illinois* the right of biological parents to raise their children. Failure to recognize DNA testing denies a child's true father his constitutional right to be involved in his child's life.

Without a doubt, we are a nation in need of fathers. However, fatherhood is a consensual act made by men who choose to have intimate relations or elect to adopt children. It is not a decision that can be made by courts that arbitrarily place financial responsibility for children on unrelated and unwilling men.

The children are the real victims in paternity fraud. They deserve better than to have their support paid by extortion. Honoring the truth serves the best interests of the children and the community as a whole.

If courts have concerns about who will pay for a child's upbringing, they should implore mothers to tell the truth about their children's paternity. If courts believe that men should act as fathers to unrelated children, they should appeal to their compassion, not their pocketbooks.

Thompson, a nationally recognized expert on families and divorce-related issues, serves as executive director of the American Coalition for Fathers and Children. She may be reached by e-mail at dthompson2232@aol.com.

Blake behind bars after arrest in wife's slaying

<http://www.cnn.com/2002/US/04/19/robert.blake.case/>

CNN.COM, 04-20-02

LOS ANGELES, California (CNN) -- Robert Blake remained behind bars Friday after Los Angeles police said investigators found "compelling and significant" evidence implicating the actor in the shooting death of his wife last May.

Police arrested Blake at his home in the gated community of Hidden Hills on Thursday evening, saying they had evidence he shot and killed his wife, Bonny Lee Bakley, 44, outside a North Hollywood restaurant.

The 68-year-old actor was transferred to the jail's hospital section Friday morning, but authorities and Blake's attorneys said the move is a common security and safety consideration for high-profile inmates and that he does not need medical care.

Guards check the 10- by 10-foot cell, the same one that once held actor Robert Downey Jr., every 15 minutes through a small window in the door, but LAPD Cmdr. Gary J. Brennan insisted that Blake is not on suicide watch.

"He's being well-treated and he's getting his regular medications," [Harland Braun](#), the actor's attorney, said after visiting his client Friday afternoon for the first time since the arrest. "He said it's ... like some of the parts that he's played."

Meanwhile, police executed a search warrant at Blake's sister's home Friday, where he had been staying with Rosie, his nearly 2-year-old daughter with Bakley.

Authorities also searched the Burbank apartment of Blake's handyman and bodyguard, [Earle Caldwell](#), who was also arrested Thursday in connection with Bakley's killing. Braun also said police searched the California desert home of one of the actor's friends, whom police did not identify.

Investigators recovered papers, computers and weapons, but police did not provide any further details.

Police said they will present their case to the Los Angeles County District Attorney's office Monday morning and Blake could be arraigned later in the day. Blake is currently being held without bail, while Caldwell is being held at the LAPD headquarters on \$1 million bail, Brennan said.

Blake will face two counts of solicitation of murder and one count of murder with special circumstances -- a charge that could lead to the death penalty, Brennan said.

"Robert Blake shot Bonny Bakley," Police Capt. [Jim Tatreau](#) said at a news conference Thursday night. "We believe his motive is that Robert Blake had contempt for Bonny Bakley. He felt that he was trapped in a marriage that he wanted no part of."

Police say they believe Blake, the star of the 1970s detective series "Baretta," tried to hire someone to kill his wife of six months and, failing that, pulled the trigger himself.

Caldwell was arrested "for conspiracy to commit murder of Ms. Bakley," Los Angeles Police Chief [Bernard Parks](#) said.

Blake lawyer: 'The real killer is still out there'

Speaking after the LAPD news conference, Blake's attorney said his client always "impressed me as maintaining his innocence but being very calm about it."

"He says, 'I'm a father, I've lived almost 70 years, I'm going to face what I have to face,'" Braun said, who added that Blake's main concern was making sure Bakley's family does not gain custody of his young daughter.

"I believe the real killer is still out there," Braun said. "This is a very strange situation, and I'm not trying to besmirch (Bakley), but the woman had an extensive history, and there are people in her past that have made threats to her, people with motives."

Following an extensive investigation, police said they obtained arrest warrants against Blake and Caldwell on Thursday morning. Both men were taken into custody around 6 p.m. (9 p.m. EDT).

Cary Goldstein, the attorney for the late Bakley and members of her family, said he was pleased with the arrest.

"After thousands and thousands of hours of investigation by the LAPD, they have concluded that Robert Blake and Earle Caldwell are responsible for the death of Bonny Bakley," he told CNN.

"The police followed the lead and apparently it all fell into place. They have the evidence with which to do this," Goldstein said. "They're going to put on a thorough, competent case because they're not going to risk losing this."

The victim's sister, Margerry Bakley, said family members were "pleased with the LAPD and saddened just the same. We still lost Bonny and have not seen (Blake and Bakley's daughter) Rose."

Murder weapon found in garbage container

Blake behind bars after arrest in wife's slaying (Continued)

The 11-month police investigation examined 900 pieces of evidence, followed 150 tips and led investigators to 20 states, police said. Authorities discovered the murder weapon days after the shooting in a garbage container adjacent to the restaurant where the couple had eaten -- and near where Bakley was shot.

Blake, who portrayed a killer in the movie based on Truman Capote's classic "In Cold Blood," had told police his wife was in the car after the two dined together May 4 in a Studio City restaurant. He told police he went back into the restaurant to retrieve his gun, and that when he returned to the car he found his wife shot in the head.

But Joe Restivo, a co-owner of the restaurant Vitello's, told CNN Blake appeared to have retrieved nothing from the restaurant, but that he came in, drank two glasses of water and left. Restivo said Blake appeared flustered.

The story also swirled controversy last year because Blake's attorney went on the offensive, raising questions about Bakley's past, releasing recordings of her phone conversations to the news media and detailing her interest in celebrities.

Braun said the couple had a troubled relationship and that Blake had only married Bakley because she became pregnant with his daughter.

After calling Braun and asking him to prepare Blake for his arrest, police said that the actor was passive and cooperative when he was taken into custody wearing a white shirt and green baseball cap. Blake's grown daughter from a different marriage will look after the actor's young daughter, Braun and police said.

Braun said Friday that police arrested Blake nearly a year after they last talked to him.

"What do they have to lose by interviewing the suspect?" Braun said. "Either he's going to bury himself or exonerate himself." LAPD deputy chief David Gascon said that, even given the enormous media crush, investigators were extremely thorough. "The detectives have been rather meticulous in how they approached this," said Gascon, who was the police spokesman who announced that O.J. Simpson was a "fugitive" the night he was arrested before the now infamous police chase.

Blake stresses family

Blake, who has said little about the case, had long been the focus of the police investigation. He was interviewed early in the investigation as a witness to the crime, and police twice searched his home.

At his wife's funeral in late May 2001, Blake walked to the casket, placed his right hand on it and bowed his head. Someone handed him a white rose from the floral arrangement atop the casket.

"I stand before God to make this pledge," he said just before the casket was lowered, "As long as I have breath, I will do everything to make my daughter Rosie's life the best I can."

In the weeks after the slaying, bodyguard Caldwell told CNN the possibility that the actor may have been responsible for his wife's death "never even crossed my mind."

Caldwell said he and Blake did not discuss the killing: "We look at the sky, we watch the birds, we don't talk about it."

Social Security Demands Bipartisan Action

Stephen Horn, 04-18-02

The Social Security system is a crucial part of every American's retirement plan and it is an issue that demands the bipartisan attention and cooperation of the President and Congress. All of us must be committed to finding solutions to ensure the long-term solvency of our nation's retirement system.

As elected representatives, Members of Congress have a responsibility to see that the government lives up to its end of the bargain with the American people. This requires balancing the budget and that is the course we are pursuing. Over the past two years, the budget not only balanced, but showed surpluses for the first time in 30 years. This surplus marks an end to deficit spending and is the first vital step toward restoring the financial and fiscal health of the government. **In fact, over the past two years, we have paid down the publicly-held national debt by about \$131 billion.**

In the new budget for fiscal year 2000, Congress established the principle that all money paid into the Social Security Trust Fund will be reserved for Social Security recipients, now and in the future. That is a solid sound step forward and one we must repeat in every budget of the future.

The health of our economy offers us a unique opportunity to consider options to reform Social Security that go beyond the old solutions of either raising already-high payroll taxes or reducing benefits and cost of living adjustments (COLAs) for seniors. We have an opportunity to consider fundamental changes in the system which give the American people better retirement options and greater financial security.

In his State of the Union Address, President Clinton outlined his general proposal to reform Social Security, dedicating a sizable portion of the surplus to shore up Social Security, coupled with government investment of Social Security funds in the securities markets. While many expressed concern with his proposal, including Federal Reserve Chairman Alan Greenspan, I and many of my colleagues were pleased that the President has offered a plan on Social Security. I hope he will refine his proposals and offer specific legislation in this Congress.

The Social Security trustees have advised that the President and Congress must start working on the problem now, when the solution is relatively painless. The trustees warn that bigger changes will be required if action is delayed.

We are faced with a difficult situation. By 2013, Social Security spending will exceed revenues. Keeping the current system would require either higher payroll taxes or lower benefits. I do not believe either one of these provides a real solution. Social Security payroll taxes are already too high -- some 71 percent of United States workers now pay more in payroll taxes than in income taxes. A continuation of the status quo does nothing to restructure the program and provide protection to today's beneficiaries and tomorrow's retirees.

The aging of the baby boom generation, nearly 76 million strong, will create severe financial pressures on the system. This generation is the largest in American history and has had relatively few children. This low birth rate means there will be fewer workers to pay for the retirement benefits of our aging population. And as this generation and the ones after it continue to live longer, they will draw on benefits for many more years than the system anticipated.

It is my belief that the system can be reformed to ensure solvency, maintain benefits for current recipients, and provide retirement security for future retirees through the next century. In order to accomplish this, however, Congress and the President must work together and make some fundamental decisions soon about the future of Social Security. I personally support allowing more flexibility and involvement for individuals. Congress must carefully review proposals offered by the President and others for creating individual accounts and determine if that is a workable approach for future retirees. **However, any solution must protect current retirees and provide greater retirement security for future retirees.**

Man kills himself on courthouse steps

UNION-TRIBUNE, 01-08-02

A 43-year-old Paradise Hills man, reportedly depressed about a court ruling on overdue child support, fatally shot himself early yesterday on the steps of the downtown San Diego courthouse.

The man was identified as Derrick K. Miller Sr., of Alta View Drive, a spokeswoman for the Medical Examiner's Office said.

Witnesses told police that Miller, carrying court documents, walked up to a security guard at the entrance to the courthouse at 220 W. Broadway and began raving.

"You did this to me," he told the guard about 6:25 a.m., apparently referring to court officials, the Medical Examiner's Office spokeswoman said.

Then, Miller pulled out a handgun and fired one shot into his head. The blast killed him instantly, the spokeswoman said.

Miller apparently was depressed about a ruling on child support from a previous relationship, said San Diego Police spokesman Bill Robinson.

Reformed Child Support System Termed a Success

Services: Glowing report comes on the two-year anniversary of the state agency that collects court-ordered payments, whose amounts doubled on average per case.

Greg Krikorian, Times Staff Writer, 01-05-02

Two years after California overhauled its beleaguered child support system, state officials and advocates said Friday that the new program has exceeded expectations in collecting money for single-parent families.

With a record \$2 billion a year now collected from parents ordered to pay child support, the new state Department of Child Support Services has more than doubled the average amount brought in per case, from \$419 in fiscal 1996 to \$1,015 in 2000, officials said. The 2001 figures are not yet available.

Just as important, they said, the new department has increased the number of cases in which paternity has been established in court, expanded the number of children covered by health insurance and enhanced the customer services that just a few years ago were a constant source of controversy. "For the first time in the history of California, child support enforcement embraces the idea of customer service," said Melanie Snider, a director of the Assn. for Children for Enforcement of Support, a national advocacy group.

Snider was among the child support advocates and state officials in Sacramento on Friday to mark the two-year anniversary of the new child support department, launched after years of complaints to the Legislature about the performance of California counties on the issue.

Before the department was created, district attorneys were responsible for running the child support agencies in all 58 counties and did so with varying degrees of success. But the lack of uniform regulations and poor overall performance--exemplified by a still poor collection record in Los Angeles County--led lawmakers to transform the way the state handles child support.

Lawmakers stripped control of the local programs from prosecutors and established new statewide performance standards, with an emphasis on collecting current support, rather than past due amounts, to help keep single-parent families intact and off public assistance.

"This is an example where a deeply entrenched bureaucracy can be changed and changed for the better," said Lenny Goldberg of the National Center for Youth Law at a news conference in Sacramento.

One result has been that about two-thirds of the state's current cases involve families that are not on welfare--a reversal of what state officials were reporting several years ago.

"What that means is that about two-thirds of the \$2 billion [in collections] is going directly to families," instead of repaying county welfare systems, said Curtis L. Child, director of the state child support department. "So the magnitude of that number is important in looking at a program that is directed at family self-sufficiency."

In addition, he said, his department has saved the state more than \$4 million by eliminating some local administrative costs.

The department has plowed savings into better customer service, including the addition of local ombudsmen throughout California to respond to complaints about local programs, he said.

The reorganization has helped to foster a new level of cooperation between child support advocates, fathers' rights groups and others in handling the thorny issue of child support collections, he said.

Said Assemblywoman Dion Aroner (D-Berkeley): "This is one of the few times when we get to look at a reform package and see the accomplishments come to fruition in such a short period of time."

The report was issued at the same time state officials released the results of a performance analysis of Los Angeles County's long-troubled child support collection program.

The analysis, by Denver-based Policy Studies Inc., concludes that the county's program has increased the amount collected from \$212 million in 1997 to \$425 million last year.

The report says the county has achieved an "impressive rate" of compliance with federal deadlines for child support cases, an indication that it is meeting deadlines for such actions as establishing paternity and obtaining court orders for collections.

But the study also found that the county's collection rate for current support was only 32%, "very low" compared with the state and nation. The latest state figures show that collections on current support in California averaged 44%, while nationwide the figure was 56%.

The county's performance in other key areas has also been poor. For example, the report found, Los Angeles County has an "extraordinarily high" rate of court orders obtained by default--79%--because those sued for child support fail, for whatever reasons, to appear in court. That default rate, the report says, not only raises serious questions about the fairness of the county's approach, but also gives the court orders for child support "less credibility and makes them harder to enforce."

Oracle CEO Security Plan Spawns Criticism

http://dailynews.yahoo.com/h/nm/20011010/tc/tech_oracle_dc_1.html

Lisa Baertlein, Reuters, 10-10-01

PALO ALTO, Calif., (Reuters) - Larry Ellison, who has long campaigned for corporate America to unite its key financial data on his software, now has a more ambitious dream: a national database running Oracle Corp. software that takes in every man, woman and child in the United States.

Ellison -- who first floated the idea in television interviews following the Sept. 11 hijacked airplane attacks -- stepped up his campaign this week with an op-ed piece in the Wall Street Journal.

As co-founder and chief executive of the world's largest database software vendor, Ellison is the most prominent technology executive to thrust himself into the nascent debate pitting national security concerns against the protection of personal freedoms.

In the article printed Monday, Ellison said that digital identification cards and integrated national databases could help counter terror attacks.

"Do we need one national ID card? No. But the IDs that the government issues -- such as Social Security cards -- should use modern credit card technology," Ellison said.

"Do we need more databases? No, just the opposite. The biggest problem today is that we have too many.

"The single thing that we could do to make life tougher for terrorists would be to ensure that all the information in myriad government databases was integrated into a single national file," said Ellison, who offered to donate the software needed to create such a system.

'SELF-INTERESTED'

Cindy Cohn, legal director for the San Francisco's Electronic Frontier Foundation, has heard Ellison's pitch and called it "extremely self-interested."

"Even if it wasn't a self-interested idea, it's a bad idea," said Cohn, who said that government tracking of citizens and their activities would violate this country's core freedoms.

"It just sort of crosses the line of good taste in a way," Richard M. Smith, chief technology officer for the Privacy Foundation, said of Ellison's newspaper opinion piece.

In that article, Ellison argued that difficulties associated with accessing information stored in different databases made it possible for several of the alleged Sept. 11 hijackers -- who were flagged in disparate data systems run by local law enforcement in Florida, the Federal Bureau of Investigation and the Immigration and Naturalization Service -- to board planes on Sept. 11 without incident.

Smith argued that the issue was not just about databases, but about procedures within the named agencies.

He and a chorus of others -- from technology think-tank directors to privacy advocates -- said there is a need for U.S. immigration, intelligence and law enforcement agencies to tighten security procedures and place a higher priority on tracking people with alleged links to terror activities.

"Yes, we want catch terrorists but this whole tracking system will have other uses too," said Smith who laid out scenarios where a person who is late on child support payments could be barred from boarding a plane or a person with an outstanding traffic violation could be blocked from getting cash from an automatic teller machine.

EARLY DAYS WITH THE CIA

Ellison is no stranger to the U.S. intelligence community -- he and Oracle co-founder Bob Miner named their company after a Central Intelligence Agency consulting project they worked on in the late 1970s. Once Oracle got off the ground, the CIA became one of its first customers.

The outspoken Silicon Valley CEO also is no stranger to controversy -- and his recent comments to employees are certain to add more heat to the simmering privacy debate.

"We have this long tradition in this United States of ours of being suspicious of government. ... We've been so busy protecting ourselves against our government that we've made it impossible for our government to protect us," Ellison said in a Web cast now available on Oracle's Web site, www.oracle.com.

In the Web cast, he railed against legal restrictions on the information-gathering activities of the CIA, FBI and other intelligence and law enforcement agencies.

"We have to give them the tools -- databases and cards -- and the latitude to protect us. If we do, our liberties and our lives will be saved together," Ellison said.

Oracle CEO Security Plan Spawns Criticism (Continued)

DATABASE BATTLE

Oracle and International Business Machines Corp. (NYSE already sell products that would allow airlines or law enforcement to quickly search and locate vital security information.

“The problem is doing the back-end work to put this stuff in a system that can be checked,” said Richard Norton, executive director of the International Biometric Industry Association.

For example, there currently is no standard way to post information in databases. Some agencies enter last names first, while others use first names then surnames. Such differences can make various searches incredibly complex. In addition, he and others noted, certain agencies, national governments and other groups may not be willing to share the needed data.

“I think there are a lot of things we can look at before we fall back on a last resort of creating a national (ID) system,” Norton said.

Among other things, he said, airlines could use existing fingerprint recognition technology or other identification tools to vet certain flyers and reduce the number of people who are closely scrutinized in airports.

Pilot was ordered to leave his home

Notice was served day before crash

Mac Daniel, Globe Staff, 08-28-01

AMHERST, N.H. - Less than 12 hours before his corporate plane slammed into his new \$750,000 hillside home, Louis W. Joy III had been served with a restraining order, sought by his wife earlier that day, by two Amherst police officers. The order, which forced Joy to temporarily leave both his palatial home and his volatile marriage, accused him of domestic violence.

He left the house with a few belongings and without protest on Friday, police said. It is unknown where he spent the night. But by daylight Saturday, after Joy told Nashua airport officials that he was flying south to Atlantic City, the plane buzzed his wooded Amherst neighborhood, banked steeply, then smashed into his empty home, destroying it.

No one on the ground was injured, and federal aviation officials are investigating. Police said they are aware of no suicide note.

The domestic violence petition filed by Joy's wife, Jo, on Friday was sealed early yesterday by a Milford District Court judge at the request of her attorney, David Lauren.

In asking to seal it, Lauren said the affidavit contains information that "would prove extremely damaging" to the couple's 8-year-old daughter. Publication, he said, would further traumatize the child, who "is entitled to retain favorable memories of her father."

The restraining order, which temporarily banished Louis Joy from the house at 19 High Meadow Lane in which he had lived with his wife and daughter for about four months, also awarded custody of the girl temporarily to his wife. A hearing was scheduled for Sept. 24, but Louis Joy had not yet hired an attorney, according to Lauren's petition. Lauren did not return calls from the Globe yesterday.

Louis Joy, 43, a published author, business consultant, and motivational speaker, had founded the consulting firm Manufacturing Excellence Inc., to which the plane was registered.

He was remembered as a reclusive eccentric who nailed all the windows shut at his Newark, Del., home and became angry with a prospective buyer of the house when she asked if he would remove a fence.

Joy coauthored a book with his wife in 1993 titled "Frontline Teamwork: One Company's Story of Success," which one synopsis said was "guaranteed to capture the interest of front-line workers and help them contribute to the success of their organizations."

Residents in the sprawling Amherst development of million-dollar homes said the plane buzzed the neighborhood around 7:30 Saturday morning before the engine went silent and the plane plowed into the house, avoiding a stand of trees no farther than 75 feet away.

Manchester Superior Court records showed no divorce filings involving the Joys, nor any lawsuits or other legal matters regarding Joy's firm, which he ran out of his home.

The chief medical examiner's office in Concord has not yet positively identified Louis Joy as the man killed in the crash. An official there said yesterday that the office was awaiting out-of-state medical records.

At the crash scene yesterday, the builder of the house, Ron Rees, said the crash and subsequent fire were so severe that the thick concrete foundation of the Colonial structure was cracked beyond repair.

"It's more surreal than anything else," Rees said after viewing the wreckage.

He said he had been in contact with Jo Joy, who he said is "taking it fairly well, and as well as anyone can be expected." It took Rees's workers about a year to construct the custom-built dwelling to the couple's specifications. The \$750,000 house had about 5,000 square feet of space.

The Joys moved in four months ago from Delaware. The long and winding driveway was paved only days before the crash.

"It was a beautiful home," Rees said.

This story ran on page B1 of the Boston Globe on 8/28/2001.
© Copyright 2001 Globe Newspaper Company.

Mother wants Jesse Jackson to 'be a father' to illegitimate child

<http://www.cnn.com/2001/US/08/16/jackson.mistress/>

CNN.COM, 08-16-01

[LOS ANGELES, California](#) (CNN) -- The mother of the Rev. Jesse Jackson's 2-year-old daughter says she just wants Jackson "to be a father" to the child who was born after the two had an affair.

In an interview with ABC's "20/20," Karin Stanford, 39, the former head of the Washington office of Jackson's Rainbow/PUSH coalition, says her relationship with Jackson has become strained in the last year after she took him to court to formalize child support payments.

"I want Jesse Jackson to be a father to Ashley. I want us to have very clear visitation," says Stanford in an interview with Connie Chung to be aired Friday at 10 p.m. EDT on ABC. "He (Jackson) was born out of wedlock ... He understands the hurt and the pain it causes."

She said Jackson has only visited his daughter once in the last seven months -- a far cry from his frequent visits in the first year of her life.

"He was concerned about her just like any father would be. He checked on her, he came to visit her, he played with her," says Stanford. "She knew he was Daddy."

Jackson, she said, has been paying \$4,000 a month in child support. Jackson has been married since 1963 to his wife, Jacqueline, and has five children with her.

Contacted by CNN, Jackson refused to go on camera to respond to Stanford's comments, saying such an interview "would harmfully expose the child."

"This child deserves the monthly support she receives, a life insurance policy, provisions for a college education and, most importantly, dignity and privacy," he said.

In the ABC interview, Stanford said she initially didn't inform Jackson she was pregnant because he was considering another run for the presidency in 2000. She said Jackson eventually withdrew his name as a potential candidate after learning of the pregnancy.

"I think he was concerned that because reporters were calling and asking about who the father of my baby was, his concern was that they would focus more on his personal life rather than his campaign platform," she says.

She said she doesn't think it was "hypocritical at all" for Jackson to be counseling President Clinton about the affair with Monica Lewinsky at the same time she was pregnant with Jackson's child.

"I think that he could empathize with President Clinton, because he was in a similar situation. And who better to give you advice than someone who's walked in your shoes?" Stanford says.

She adds that she was "shocked" when Jackson's lawyers asked her to sign a confidentiality agreement when she sought child support payments. She never signed it.

She says she and Jackson never tried to hide their relationship, going to public parks, concerts and movies together. She was not a woman seeking his money, she says.

"We didn't have conversations about money and coercion and blackmail," she says. "It just wasn't that kind of relationship." Despite everything, Stanford says she's glad she had Ashley.

"I don't regret her for one second," she says. "I'm very proud of my decision not to terminate her. And I know it's caused a lot of pain. I know it's caused a lot of problems for people, but she's here, and she's happy and she's healthy."

Our Child-Support Policies Exile Noncustodial Parents

John Smith, DAILY JOURNAL, 08-03-01

Recently, the public got a rare glimpse at the Draconian measures our government is taking in a desperate effort to make child support work. The occasion was the Wisconsin Supreme Court's decision to imprison David Oakley if he fathered another child. Because he could not support his children, they reasoned, having another child amounted to child abuse Wisconsin v. Oakley, 629 N.W.2d 200 (Wis.2000). The ruling was so unusual, even liberal groups were stunned at the decision, a decision made on the slipperiest of slopes.

The obvious problem comes with equating child rearing with income. If Oakley can be legally prevented from having children because he doesn't earn enough money, should we start cracking down on low-income families?

Should we start a sterilization program for those who don't earn enough? And with news stories telling us it takes over \$250,000 to raise a child born today, this means that anyone earning less than \$14,700 per child, after taxes and after personal expenses are paid, would fall into this abuse category.

Another sticky point the Wisconsin Supreme Court missed was that of welfare mothers. Instead of jail, these women who bear children they can't support are offered money. If Oakley is guilty of child abuse because of the lack of money, what about the millions of welfare mothers? Welfare is a grant to the mother - but a loan to the father because fathers are responsible for repaying welfare in the form of child support. The father has no say (and often no knowledge) of the mothers applying for and getting welfare, but the father is held responsible for repaying the government - complete with interest and fines.

The Wisconsin decision is just the most recent case in a long line of Draconian measures that threatens everyone's rights. The U. S. Department of Health and Human Services has proposed that food stamps be denied to parents in arrears. Up to 65 percent of gross wages can be garnished for child support.

In Walton County Ga., the sheriff has proposed work camps for fathers who fail to pay child support. After DNA evidence freed a death row prisoner, the State of Texas charged him with failure to pay child support while on death row.

An American held hostage in an Iraqi POW camp was jailed one day after returning home to the U.S. for failing to pay child support while incarcerated. Patricia Hill of Umpqua, Ore., was charged with harboring a fugitive in a child support case. The fugitive? Her husband.

Privacy has gone out the door, as bureaucrats and politicians "get tough" in hopes of making this 26-year-old policy failure work. Government agencies scan everybody's bank account, through a program known as Financial Institution Data Matching, whether the person had to pay child support or not. The National Directory of New Hires searches all new employees within 20 days of their date of hire in hopes of finding a secret stash of money.

The Federal Parent Locator System tracks the whereabouts of noncustodial parents.

But after 26 years of getting tougher, things aren't better. Money isn't the solution; it's the problem. Child support policy is based on the notion that one parent can be replaced by money.

In reality, child support - with its excessive awards and Draconian punishments - only serves to force noncustodial parents into exile, irreparably harming the children.

Child support is, like welfare was, a single-mother household enabler. And few things could be more detrimental to children than being raised in a single-mother household. Kids need both parents.

The problem is that our current laws focus solely on dollars collected. Our laws need to change this focus to increasing parental involvement of both biological parents. Shared parenting - where each parent gets equal physical custody (time) of their children - must become the presumption in law.

It should not be easy for one parent or a judge to skirt this law. Neither parent could move outside a geographic area, usually a school district or county, unless they reach a voluntary agreement.

Ditto for custody arrangements. With each parent spending equal time raising their children, the need for child support disappears. By removing the weapons and rewards for fighting, kids will get what they need the most: increased parental involvement. Family court dockets will also be cleared out.

Instead of having the government dictate how much money one parent must spend each month regardless of their current economic circumstance, the parent should be required to support their children. This would hold each parent responsible for their actions.

Oakley's sentence should be to support all of his children, half of the time. Whether he feeds them fillet mignon or hot dogs is his choice. We must not confuse the paying of child support with supporting your child.

John Smith is a research analyst with the Alliance for Non-Custodial Parents ' Rights (ancpr.org). He can be reached at P.O. Box 3451, Burbank, CA 91508-3451 or abolish_cs@att.net.

Oregon vs Hill

07-27-01

[59] C. Accessory Indictment and Conviction

[60] Hill argues that the indictment charging her with being an accessory after the fact is deficient as a matter of law because it did not specify the principal crime, Charlie's alleged violation of the Deadbeat Parents Punishment Act. To support her argument, Hill relies on *United States v. Innis*.^{fn29} *Innis* concerned whether the defendant's prior conviction for being an accessory after the fact was a crime of violence that qualified him for sentencing as a career offender.^{fn30} Because the crime underlying *Innis*'s accessory offense was murder for hire, the Government argued that it should be considered a crime of violence. We agreed. In passing, we noted that because "[c]ommission of the underlying offense is a prerequisite for conviction as an accessory after the fact[,] . . . an indictment charging one as an accessory after the fact must plead the underlying offense as well as the accessory offense."^{fn31}

[61] In *Innis*, we were primarily concerned with ensuring, in a case in which a court planned to base a dramatic sentencing enhancement on a violent prior offense under the guidelines' career offender provisions, that a jury had found beyond a reasonable doubt that violence was an element of the crime.^{fn32} The underlying offense was included in *Innis*'s indictment.

[62] Thus, our statement there was dictum. Until now, whether the underlying offense is an essential element that must always be pleaded in an accessory indictment in order to provide defendants with constitutionally adequate notice has not been squarely presented to this court. We hold that the underlying offense is an essential element that must be pleaded.

[63] The Supreme Court has held that an indictment is sufficient if: (1) it contains the elements of the offense charged and fairly informs a defendant of the charge against which he must defend; and (2) it enables him to plead an acquittal or conviction in bar of future prosecutions for the same offense.^{fn33} These requirements reflect the rights guaranteed by the Sixth^{fn34} and Fifth^{fn35} Amendments, respectively.

[64] So long as a statute's words "fully, directly, and expressly, without any uncertainty or ambiguity, set forth all the elements necessary to constitute the offense intended to be punished,"^{fn36} an indictment that tracks the statute verbatim satisfies the above requirements. The question thus becomes, does the accessory statute set forth all the elements necessary to constitute the offense? We now hold that it does not.

[65] The accessory statute provides that "[w]hoever, knowing that an offense against the United States has been committed, receives, relieves, comforts or assists the offender in order to hinder or prevent his apprehension, trial or punishment, is an accessory after the fact."^{fn37} The first part of this statute, "knowing that an offense against the United States has been committed"^{fn38} is intentionally ambiguous, and for good reason:

[66] It would be tremendously burdensome and inefficient to have a separate accessory statute for every possible principal crime. The phrase "a crime against the United States " simply fills in a blank for administrative ease; obviously, however, a conviction based on something so vague would not be constitutional.

[67] If a defendant may not be convicted of being an accessory to "a crime against the United States," with no underlying crime specified, then she should not be able to be indicted for the same. If an element is necessary to convict, it is also necessary to indict, because elements of a crime do not change as criminal proceedings progress. Thus, we concur with the First Circuit that "an indictment charging one as an accessory after the fact must plead the underlying offense, as well as the accessory offense."^{fn39}

[68] CONCLUSION

[69] Because we hold that it is constitutional for the United States to prosecute Hill for harboring her husband and because there was sufficient evidence to convict her of that crime, we affirm her harboring conviction. We reverse her conviction for being an accessory after the fact because her indictment was insufficient as a matter of law.

[70] AFFIRMED in part, REVERSED in part, and REMANDED for entry of an amended judgment.

Wisconsin Case Stirs Child-Support Debate

By DAVID CRARY, AP National Writer, 07-12-01

NEW YORK (AP) - In the quest to collect unpaid child support, authorities have booted cars, revoked drivers' licenses, seized bank assets and issued wanted posters of deadbeat parents.

Now a Wisconsin Supreme Court ruling, ordering a child-support debtor to father no more children while he's on probation, has intensified debate over whether enforcement tactics can violate civil rights.

"When we get to the point of taking away people's rights to procreate, absolutely we're going too far," said Dianna Thompson, executive director of the American Coalition for Fathers and Children in Lake Forest, Calif.

"When parents have problems supporting their children, we have different standards for mothers and fathers," she said. "We give mothers welfare and we give fathers jail."

Wisconsin's high court ruled Tuesday that David Oakley, a 34-year-old father of nine who owed \$25,000 in support, can be ordered not to father any more children during a five-year probation imposed in 1999. He faces eight years in jail if he fails to comply.

The court's four male justices upheld the ban, while the three female justices dissented, saying that having children is a basic constitutional right.

The American Civil Liberties Union (news - web sites) expressed dismay at the ruling, depicting Oakley as a scapegoat even though his conduct might be reprehensible.

"There's a long, ugly history of attempts by the government to control the reproduction of poor people," said Catherine Weiss, director of the ACLU's Reproductive Freedom Project in New York.

Weiss said that Wisconsin has been among the most aggressive states in pushing low-income parents off welfare rolls. "Now they turn around and scapegoat the deadbeat dads," she said.

This is not the first time the ACLU has raised questions about child-support enforcement. The director of the ACLU's Virginia chapter, Kent Willis, objected last year when the state announced that it would immobilize the cars of deadbeat parents with pink and powder-blue car boots.

"This is part of a whole trend to reverse the way we do criminal justice to a system we were using in the 17th century," Willis said. "This is public humiliation."

Enforcement tactics such as car-booting and license revocation have also been assailed by fathers-rights groups, including Thompson's coalition.

"I've never understood the philosophy behind that," she said. "If you take away someone's ability to get to work, how are they going to be able to earn money to make their payments?"

The Wisconsin decision shows questionable judgment because it not only punishes Oakley, but puts any woman who gets pregnant by him into a bind, Justice Ann Walsh Bradley wrote in her dissent.

"It places the woman in an untenable position: have an abortion or be responsible for Oakley going to prison for eight years," Bradley wrote.

But Geraldine Jensen, president of the Association for Children for Enforcement of Support, applauded the ruling. She contends that child-support statutes "are the least enforced laws in this country."

"The courts are very soft on this crime against children," said Jensen, whose advocacy group is based in Toledo, Ohio. "We would like to see child support taken as seriously as paying taxes."

Jensen called the Wisconsin decision "an extreme measure for an extreme situation, after they tried other ways to deal with it."

Increasingly over the past decade, fathers-rights groups have depicted the child-support system as riddled with abuses and inequities. On Internet sites, activists exchange reports of suicides and imprisonments resulting from what they contend are overzealous enforcement efforts.

In Massachusetts, attorney David Grossack is preparing a lawsuit to challenge the so-called Bradley amendment, a 1986 federal law which says child-support obligations cannot be retroactively reduced or forgiven by a judge.

Grossack, in a telephone interview Thursday, said he knows fathers who have fled abroad to escape support payments which they considered excessive.

Wisconsin Case Stirs Child-Support Debate (Continued)

"It's a human rights travesty," he said. "Before people start talking about the Taliban or the North Koreans, they should look at the divorce system in the United States."

Child-support enforcement was strengthened throughout this country as a result of the welfare reform legislation enacted by Congress in 1996. Steps to streamline collection of payments and toughen penalties for deadbeats have boosted national child support revenues from \$12 billion in fiscal 1996 to a record \$18 billion in fiscal 2000.

Proven Innocent, But Still Owes Society

Jim Sciutto, ABCNEWS.com, 06-25-01

William Gregory was jailed for a rape he did not commit. But when he was released from prison, he found society still ready to collect on a debt - and no help from the state.

William Gregory spent eight and a half years in a Kentucky Prison for a rape he did not commit - leaving his son on state child support.

But with his freedom came a twist straight out of Kafka: not only did he get no compensation, but the state then sued him for the child support it paid while he was in prison.

"At least compensate me for the time," said Gregory, who was released on account of DNA evidence. "Say 'I made a mistake. We made a mistake, and pay that man!'"

He said he had nothing when he got out of jail.

"I was sleeping on the street," Gregory said.

Little Chance of Compensation for Many

Only 13 states and the District of Columbia pay compensation to people wrongly imprisoned, and most of them set limits ranging from \$5,000 a year in Wisconsin to \$36,000 per year in California.

This week, the Senate Judiciary Committee will consider increasing compensation in federal cases to \$50,000 per year - \$100,000 for capital crimes - and encourages states to do the same.

"If somebody has been locked up like that you just can't say 'here is a coat and here is \$10, just run along,'" said committee chairman Sen. Patrick Leahy, D-Vermont.

Under the 11th Amendment, individuals cannot sue the government for damages. Their best hope is often a federal civil rights case. People who are wrongly convicted of a crime have a better chance of getting compensation if they can prove police framed them.

But if their conviction was the result of a mistake - faulty fingerprint analysis, or incorrect eyewitness testimony - then, at least for now, there are no established legal remedies.

Justice: Not Always Perfect?

Still, some state lawmakers say the system does enough as is.

"People are guaranteed a fair trial," said Bill Graves, a state representative in Oklahoma. "They are guaranteed justice. That's what the Constitution provides for. It does not provide for a perfect system."

A study by Ohio State estimates that as many as 10,000 prisoners - or about one in 200 - are innocent.

Of the few who are released, two-thirds, like William Gregory, get only their freedom.

County Child Support Program's Accounting Under Scrutiny by State

.Services: Inflated figures could affect funding statewide. A private firm is hired to examine the system.

Greg Krikorian, Times Staff Writer, 06-03-01

State officials are examining Los Angeles County's long-criticized child support accounting practices after finding that inflated collection figures could jeopardize tens of millions of dollars in federal funds for California.

Continuing deficiencies in Los Angeles County's child support program also have prompted the state to take the unprecedented step of hiring an outside consulting firm to recommend improvements.

"L.A.'s performance continues to be a problem for the statewide program," Curtis L. Child, director of the California Department of Child Support Services, said Friday. "And when they have such a significant percentage of the statewide caseload, it affects the state's ability to do well on [federal] performance measures."

Within weeks, he said, Denver-based Policy Studies Inc. will begin a three-month examination of Los Angeles County's Bureau of Family Support Operations. The \$250,000 study will coincide with the transfer of Los Angeles County's program from the district attorney's office to a new county Department of Child Support.

The transfer is part of the Legislature's 1999 overhaul of California's child support system, which was taken away from district attorneys after years of poor performance. Under new state regulations, each of the state's 58 counties will have a separate agency with responsibility for collecting child support for single parents and repaying the government for the cost of welfare for families with dependent children.

In Los Angeles County alone, state officials say, the transfer of the program from the district attorney's office to a new department will save \$1.3 million in administrative overhead--money that will now be put back into child support programs.

But even as Los Angeles County moves toward a new program, the administration of its current child support collections remains controversial.

Last week, state director Child confirmed that officials are examining Los Angeles County's accounting practices after learning from child support advocates that the county had been double-counting collection numbers for past-due support.

The practice, officials said, was discovered in the quarterly reports sent to both the state and the county commission that oversees child support. And the financial consequences could be severe for California's child support program if the county's quarterly numbers are reflected in the yearly totals submitted to the federal government.

"Obviously, our concern is that we look at the [actual] quarterly numbers and there is a . . . drop from what was reported," Child said. "If that held, we would have some trouble. It would put us in jeopardy of losing our federal performance money . . . and that could mean tens of millions of dollars."

Wayne Doss, director of the Los Angeles County program, was unavailable for comment. A department spokeswoman, Yvonne Palmer, said the county's quarterly numbers have been corrected and will have no impact on its final year-end report.

Palmer added that the county has no problem with the hiring of the outside consulting firm. State officials have indicated that they may also use the firm to examine other counties, depending on what they find in Los Angeles. "We are not being singled out," she said. As for the department's performance, Palmer said that its collections have increased by an annual average of 21% during the last several years--a figure that exceeds the statewide improvement rate. Although a previous audit by PricewaterhouseCoopers found that the county's program needed improvements, Palmer said the report concluded that the caseload was "perhaps the most difficult . . . of any jurisdiction in the nation."

The most recent state reports to the U.S. Department of Health and Human Services show that Los Angeles County remains far behind the rest of California in the child collection measurements established by the federal government.

In comparing the state's 58 counties for fiscal 2000, Los Angeles ranked 34th in cost-effectiveness, 45th in establishing paternity, 48th in collecting past-due child support, and 55th in both collecting current support and percentage of cases in which the county has obtained a court order for support.

"There has not been significant improvement in Los Angeles County's performance [in recent years]," said Child. "Now that we have a statewide program . . . we are looking at the reasons for Los Angeles County's historically lower performance."

Beyond the county's staffing and procedures, state and federal officials also are looking at the reliability of the child support collection data generated by the county Bureau of Family Support Operations.

Under new federal guidelines, the reliability of that information is subject to annual review on a state-by-state basis. Final numbers are not available, but preliminary reports suggest that Los Angeles County's data reliability falls well below the 90% required by federal regulations.

County Child Support Program's Accounting Under Scrutiny by State (Continued)

"It looks as if L.A.'s [data] reliability is a cause for concern," Child said.

If that proves true when the auditing is complete, Los Angeles County's performance would make the state subject to additional federal scrutiny. And if the data problems are not corrected, Child said, the federal government could cut the state's welfare funding by \$72 million, to \$144 million.

Against that backdrop, state officials hope the pending transition of child support programs to new county departments will provide a fresh start for improving services, including the reliability of performance statistics. "As part of the transition, data reliability is now a priority for us in the state," Child said. "We are concerned about two things: how well counties are doing and how accurate is their data."

In anticipation of the new department, Los Angeles County officials have narrowed the choices for a director to five finalists.

Child-support-law amendment comes to attention of Hill

Provision revision could end two horror stories

Cheryl Wetzstein; Washington Times, 04-27-99

In 1990, Lockheed employee and divorced father Bobby Sherrill was captured in Kuwait and spent nearly five harrowing months as an Iraqi hostage. When Mr. Sherrill was released, he returned to his joyful, weeping family in North Carolina. The next night, the sheriff came to arrest Mr. Sherrill. The charge: not paying \$1,425 in child support while he was a hostage.

A similar shock awaited Clarence Brandley. In 1980, the Texas high school janitor was wrongly accused of murder. He spent nearly 10 years in prison, most of it on death row, until his exoneration in January 1990. In 1991, Mr. Brandley sued the state for wrongful imprisonment. The state responded with a bill for nearly \$50,000 in child support that Mr. Brandley didn't pay while in prison.

The child-support meters never stopped running on Mr. Sherrill or Mr. Brandley because they didn't ask a court to reduce their payments. Such lapses are costly because of a federal law known as the Bradley amendment. Reforming the Bradley amendment could come up today in a House hearing on fatherhood and child support.

The amendment, named for former Sen. Bill Bradley, New Jersey Democrat, says that once a child-support obligation has been established, it can't be retroactively reduced or forgiven by a judge. The amendment was enacted in 1986 to stop parents from running up huge child-support debts and getting a sympathetic judge to erase them. Twelve years later, however, the unintended consequences of the Bradley amendment have become clearer, and a growing number of people are calling for the law to be repealed or at least modified.

According to the reformers, the Bradley amendment:

- All but ensures that any parent who has a dip in cash flow will be buried under a debt that cannot be legally escaped.
- Helps chase poor men into illegal activities or the underground economy, away from "mainstream" jobs and their children.

Reformers are having some success arguing their case on Capitol Hill, but admit that their battle is uphill: Members of Congress are loath to do anything that might be seen as going soft on child-support enforcement. However, reformers say, they have a powerful incentive for change in the way the Bradley amendment keeps low-income fathers trapped in child-support debt.

Congress and the White House are both pushing to get low-income fathers to support their families and even marry the mothers of their children, said one reformer who asked not to be identified. But these fathers "are not marriage material with a huge debt over their head," he says. When reform of the Bradley amendment is presented in this context, "more people understand that something has to be done to fix it," he says. The nation's child-support enforcement system was created in 1975 to collect monthly payments from parents whose families were on welfare, were in danger of going on welfare or needed help with collections. Currently, the \$3 billion federal-state system is working on behalf of 30 million children owed support. Last year, according to the federal Office of Child Support Enforcement (OCSE), a record \$14.4 billion in child support was collected.

The Bradley amendment has often worked as intended, by locking in arrears while the system doggedly pursues wily, wealthy parents who ducked their obligations. Some big catches have included a New York plastic surgeon who owed \$172,000, a professional athlete who owed \$76,000 and a yacht company owner who owed \$50,000, according to a recent article in *Government Executive* magazine. The child-support system is hailed when it bags deadbeats like these. But there's less applause when the system applies the same tough rules and penalties on people like the shaggy-haired man who recently stood in handcuffs before a Maryland Circuit Court judge. The shaggy-haired man told the judge he lived with his mother and was too disabled to work. He had just spent two weeks in jail for not paying his \$10-a-week child support. His total debt was \$42,788. The judge ordered the man to pay \$75 a week toward his debt. But even at that rate, observed a lawyer, "it will take that guy 80 years to pay it off."

Several child-support advocacy groups say that, despite these pitiful cases, the Bradley amendment should be maintained because it serves a need. "We supported the Bradley amendment when it passed, because it stopped a judge in State B from wiping out [the debt from] an order passed by a judge in State A," says Geraldine Jensen, president of the Association for Children for Enforcement of Support. "We still need it because 40 percent of cases are interstate, and we still only have 20 percent of people paying" their full support, says Ms. Jensen. Moreover, she adds, 80 percent of those who owe child support are middle- to upper-income parents who can pay. "If you change the Bradley amendment itself, you provide an incentive for guys who can pay but are determined not to," says Vicki Turetsky, senior staff lawyer at the Center for Law and Social Policy. However, despite the Bradley amendment's hold on accrued debts, and a new array of enforcement tactics, the child-support system still collects less than half of what is owed. Vermont collects the most - 41 percent of owed support, according to OCSE data, while 25 states collect 20 percent or less of owed support.

A lot of this debt is owed by "dead-broke dads," "turnip dads" or "beat-dead dads," say scholars and advocacy groups. "Turnip" dads are those who earn less than \$130 a week and would be impoverished themselves if they paid support, says Ford Foundation Project Officer Ronald B. Mincy. Mr. Mincy and Elaine J. Sorensen estimate that between 16 percent and 33 percent of fathers are "turnips." The "beat-dead dads" are the ones who have child-support orders set so high that "any hiccup in cash flow" quickly results in thousands of dollars of arrears, says Ron Henry, a lawyer active in the Children's Rights Council and Men's Health Network. "Then the Bradley amendment [says] once an arrearage is accrued, it exists forever. You cannot waive it. You cannot modify it. Too bad, sucker," says Mr. Henry, who says the law should be repealed. The child-support system, Mr. Henry adds, ostensibly allows parents to change the amount of their child-support payments. But in practice, the system is unwieldy and prefers inertia in people's lives until the child reaches age 18 - no one remarries, no one loses a job, no one becomes disabled, no one goes to jail, he says.

Child-support-law amendment comes to attention of Hill (Continued)

A major reason many child-support orders are set at high amounts and grow so fast is because they are set without the paying parent in the courtroom, say experts. The Los Angeles Times reported last fall that "roughly 70 percent" of fathers "are not in court when paternity is established and their monthly obligations set." Men might not even know they owe child-support, retroactive to the day their family went on welfare, say experts. The same Los Angeles Times story said that local law enforcement records showed that "on average, more than 350 men a month are incorrectly named as fathers."

The Bradley amendment ensures that even if the court makes a mistake, "you can never get out of it," says Mike Ewing, a leader of the Virginia Fatherhood Initiative in Norfolk, who knows several men who are paying support even though DNA tests proved they weren't the children's father. "I think the Bradley amendment was well intended . . . but we need to come up with an amendment to the Bradley amendment," says Joe Jones, who works with low-income fathers with the Partnership for Fragile Families and Baltimore City's Healthy Start program. The way child support works now, says Mr. Jones, "is like giving a young, low-income minority father a credit card with \$10,000 worth of debt on it. How in the heck will he ever be able to pay it off?"

Wendell Primus, a senior analyst at the Center on Budget and Policy Priorities, says the child-support system "has to undergo a cultural change similar to the way the [welfare] office did." Its mission should move from one of "collection and disbursement" to working with fatherhood groups and others to get these fathers "employed and connected to their children," says Mr. Primus. Such an effort is under way in Anne Arundel County, where a Child Support Initiative program helps parents who face jail for not paying child support.

The government-funded CSI program steers men to training and jobs, and gives them a stipend, which they can apply toward child support. Between 1993 and 1998, the 462 parents in the program paid \$2.2 million in child support, including \$464,880 from stipends, says program administrator Brent Johnson, a lawyer with the Public Defenders Office. He adds 271 parents are working. Other innovations have emerged to deal with the child-support system's idiosyncrasies. Tennessee, for instance, enacted a law last year that will "forgive" the state portion of a child-support debt if the parents of the child marry and live together. The deal is off if the parents break up.

In some courts, support orders are rewritten to assign most of the money to the arrears. A \$200-a-month order, for example, might be rewritten to request \$10 for current support and \$190 for the arrears, which upholds the Bradley amendment but slows the descent into debt. But both advocates and opponents of change agree that any efforts to reform entrenched child-support rules such as the Bradley amendment are nascent and easily aborted.

"There's an unspoken acknowledgment that [the Bradley amendment] is a bad law, but no one will try to change it because they will be seen as being against child support," says Traci Snitker of the Men's Health Network.

Child-support is a fact of life and people should wise up about it, says Jacqueline D. Stanley, a lawyer who recently published a guidebook called "Unmarried People's Rights."

The laws, including the Bradley amendment, need to be strict to ensure that "people are treated the same way," she says, adding, "Discretion, whenever possible, should be removed from judges."

But Mrs. Stanley freely admits that she doesn't do child-support cases anymore because there are "too many horror stories." "There's really no help for them," she says. "That's why I tell people all the time 'Be careful who you choose' " to have a baby with.

Interstate Comparison of Child Support Orders Using state Guidelines

http://www.spea.indiana.edu/fasr/Publications/policy_brief_3.html

Marilyn E. Klotz, FASR, 1998

Introduction

Child support order amounts are a controversial topic. Ideally, they should balance the ability of the noncustodial parent to pay child support with the needs of his or her child or children. How to balance these competing needs, however, is not always obvious. Questions of what is fair and fairness to whom serve as the basis of many of these debates, with public opinion and resulting public policy split over these issues.

Since October 1, 1989, judges and other child support administrators have been required to use state child support guidelines in setting child support orders unless there is a written, specific finding indicating why the application of the state guideline is inappropriate or unjust. As a result, state guidelines serve a pivotal role in determining how much child support is owed.

States differ in how they calculate child support orders and what amounts are in the final guidelines. As a result, there is significant disparity in child support orders across the nation. Since 1991, Dr. Maureen Pirog, co-director of the Institute for Family and Social Responsibility at Indiana University has conducted a national survey every two years which compares child support orders across the states. Highlights from this research serve as the basis of this policy brief. In particular, this policy brief focuses on how states address the competing financial needs of the noncustodial parent and the child or children.

Findings from this survey indicate that the state of Indiana is a national leader in addressing the needs of children through the child support system. In all five scenarios employed for this study, Indiana consistently showed an interest in adequate provision for the typical expenditures on children. Thus, Indiana is one of the few states that provides child support orders that approach the typical costs of raising children.

The Scenario

For the initial four rounds of the survey (1988, 1991, 1993 and 1995), four scenarios were created and sent to each of the fifty states and the District of Columbia. In 1988, the total family income levels in the scenarios represented the twenty-fifth, fiftieth, and seventy-fifth income percentiles as well as a very high income level for a family of four (Cases B-E). In 1997, a fifth scenario was added (Case A) that represents a three person, single-parent family eligible for public assistance in every state. Consequently, the addition of this very low-income scenario allows us to look more directly at the magnitude of child support orders for women and children who are very likely to be eligible for participation in the TANF program. The five scenarios and income levels are as follows:

Mother and father are divorced. Father lives alone. Mother and the party=s two children, ages 7 and 13, live together. Father pays union dues of \$30 per month and the health insurance for the two children at \$25 per month. Mother incurs monthly employment-related child care expenses of \$150. There are no extenuating factors to be added or considered for this unit. The gross combined monthly income for this family is as follows:

Case A:	Combined \$830	Father: \$530	Mother: \$300
Case B:	Combined \$1,200	Father: \$720	Mother: \$480
Case C:	Combined \$2,500	Father: \$1,500	Mother: \$1,000
Case D:	Combined \$4,400	Father: \$2,640	Mother: \$1,760
Case E:	Combined \$10,500	Father: \$6,300	Mother: \$4,200
The father files taxes as a single person with one deduction, while the mother files taxes as the head of a household with three deductions. The father spends less than 10 percent of his time with his children. Union dues are a mandatory condition of employment.			

With the exception of the newly added Case A, the use of the same scenario and income levels over time provides a clear mechanism for determining how state child support guidelines are changing over time. This approach was selected rather than examining changes in family income levels or levels of inflation although both these latter factors clearly affect the well-being of children. Moreover, the scenario is relatively simple. It does not involve serial families, split physical custody, post-secondary educational expenses, or other extraordinary factors which tend to be treated very differently by states.

Comparisons with Other States

Table 1 contains the high and low child support orders for each scenario in 1997. Because the size of child support orders is a politically sensitive subject and national averages are affected by unusually high and low state child support orders, both the national mean and median child support orders are presented. While the mean and median are both measures of central tendency, half of the states have guidelines stipulating a higher child support order than the national median while the remaining half of the states have guidelines requiring less child support in a given family-income scenario. Therefore, the median is less sensitive to unusually high or low child support orders than the mean.

Interstate Comparison of Child Support Orders Using state Guidelines (Continued)

Table 1: Summary of Child Support Orders in 1997

	Mean	Median	Indiana Order	High	Low	States with Court Discretion
Case A	\$126	\$111	\$215	\$275 (SD)	\$0 (CT)	AZ, AR, MA, PA, VT
Case B	\$179	\$180	\$327	\$327 (IN)	\$0 (CT)	VT
Case C	\$424	\$436	\$692	\$782 (AZ)	\$251 (MS)	None
Case D	\$624	\$627	\$899	\$899 (IN)	\$415 (OK)	None
Case E	\$1175	\$1072	\$1462	\$1742 (WV)	\$801 (OK)	AL, MA, NJ, PA, UT

As demonstrated by the table, child support orders vary substantially among the states. For Case A, the family most likely eligible for public assistance in every state, orders vary from \$0 in Connecticut to \$275 in South Dakota, 51.7 percent of the father's gross monthly income. The mean child support order is \$126, 23.8 percent of the father's gross monthly income and the median is \$111, 20.9 percent of the father's gross monthly income. Indiana's child support order in this case is 40.6 percent of the father's gross total monthly income. It represents 171 percent of the mean child support order and 194 percent of the median child support order across the nation, indicating a higher than average order. However, as described below, even this relatively high child support order is barely adequate to meet the typical expenditures on children for this family.

In Case B, the child support orders vary from \$0 in Connecticut to \$327 in Indiana, with a mean value of \$179 and a median value of \$180. The mean child support order represents 24.9 percent of the father's gross monthly income and the median child support order represents 25 percent of the father's gross monthly income. The child support order in Indiana represents 45.5 percent of the father's gross monthly income. Indiana's child support order in this case is 183 percent of the mean and 182 percent of the median child support order across the states, again indicating a relatively high child support order in this case compared to other states. The data indicate that Indiana has taken a leadership role in providing for the needs of children through the child support system.

In Case C, child support orders vary from \$782 in Arizona to \$251 in Mississippi, a difference of \$531. Arizona's child support order represents 52.1 percent of the father's gross monthly income whereas Mississippi's order represents 16.7 percent of the father's gross monthly income. The mean value of the child support order is \$424, representing 28.3 percent of the father's gross monthly income and the median value is \$436, representing 29.1 percent of the father's gross monthly income. Indiana's child support order in this case is \$692, which is 46.1 percent of the father's gross monthly income. The state's child support order is 163 percent of the mean and 159 percent of the median value of child support orders across the nation for this case, again indicating a higher than average child support order. Still, very few states, Indiana among them, actually approach the usual costs of raising children at this income level.

For Case D, the child support orders vary from \$899 in Indiana to \$415 in Oklahoma, a difference of \$484. In Indiana, the child support order is 34.1 percent of the father's gross monthly income and in Oklahoma it is 15.7 percent of the father's gross monthly income. The mean child support order is \$624, 23.6 percent of the father's gross monthly income and the median is \$627, 23.8 percent of the father's gross monthly income. The Indiana child support order in this case is 144 percent of the mean and 143 percent of the median. Again, the data indicate that Indiana has taken a leadership role in providing for the needs of children through the child support system.

For Case E, the child support orders vary from \$1742 in West Virginia to \$801 in Oklahoma, a difference of \$941. In West Virginia, the child support order represents 27.7 percent of the father's gross monthly income, whereas in Oklahoma, the order represents 12.7 percent of the father's gross monthly income. The mean child support order in this case is \$1175, 18.7 percent of the father's gross monthly income, and the median is \$1072, 17.0 percent of the father's gross monthly income. Indiana's child support order of \$1462 is 23.2 percent of the father's gross monthly income. It is 124 percent of the mean and 136 percent of the median for the country. Again, Indiana is one of the few states in which child support orders approach the typical expenditures on children.

Child Support Orders and Typical Expenditures on Children

When considering child support orders, courts must take into consideration typical expenditures on children. Table 2 presents data regarding child support orders in relation to typical expenditures on children. The Department of Agriculture has estimated the costs of raising children of various ages for families at three income levels (Lino, 1997). Given that the father earns 60 percent of the "family" income in Cases B-E, we assume that he should contribute 60 percent of the typical expenditures for his two children. The only exception was for Case A in which the father earns 63.9 percent of the "family" income. For this case, we assume that the father should contribute 63.9 percent of the expenditures for his children. As seen in Table 2, the total annual cost of raising two children, ages seven and thirteen, increases as family income grows.

Interstate Comparison of Child Support Orders Using state Guidelines (Continued)

Table 2: Noncustodial Parent's Share of Typical Expenditures on Children

	Mean (Median) order	Indiana support order	Lino			Betson	
			Income Categories	Total Monthly Expenditures on a 7 &13 year old	Father's Share	Total Monthly Expenditures for Two Children	Father's Share
Case A	\$126 (\$111)	\$215	<\$34,700	\$1,080	\$665	\$309	\$172
B	\$179 (\$180)	\$327	<\$34,700	\$1,080	\$623	\$434	\$235
Case C	\$424 (\$436)	\$692	<\$34,700	\$1,080	\$623	\$863	\$493
Case D	\$624 (\$627)	\$899	\$34,700 - \$58,300	\$1,449	\$844	\$1,421	\$827
Case E	\$1175 (\$1072)	\$1462	>\$58,300	\$2,092	\$1,230	\$3,074	\$1,819

Next, we compare the father's share of expenditures to the actual amounts of the child support orders at the various income. There is one serious limitation of this approach. Because Lino (1997) only reports the typical expenditures on two children for three broad income categories, the estimated child expenditures may over or underestimate actual expenditures for families at the lower or upper tails of each income category. For example, the annual Case A gross "family" income is \$9,960, which falls well below \$34,700, the upper income figure for Lino's lowest income category.

To address the problem of the broad income categories used by Lino in his child expenditures study, we also use the estimates for expenditures on two children (ages unspecified) by Betson (1997). Because the Betson estimates are based on much smaller income categories, the estimated expenditures for children, particularly at the upper and lower ends of the income distribution (Cases A, B and E) may more accurately reflect actual expenditures on children.

For Case A, the father's monthly expenditures on his two children should range between \$172 and \$665 per month using the Betson and Lino estimates, respectively. Again, the Lino estimates are likely to be quite high given that the \$9,960 annual income of the two parents falls at the lower end of this income category (<\$34,700). While the mean and median Case A child support orders are well below the estimates of what a father should pay if he contributes in proportion to his share of the "family" income, the Indiana child support guideline falls within the lower part of the appropriate range. Likewise, for Case B, if the noncustodial parent contributes in proportion to his share of the "family" income, the Betson and Lino estimates of an appropriate child support order would range between \$235 and \$623. Indiana's child support order of \$327 falls within the lower bound of this range.

For Case C, the child support order should fall between \$493 and \$623, our lower (Betson) and higher (Lino) estimates of the father's share of the typical expenditures on the two children each month. The Indiana child support order of \$692 actually slightly exceeds the noncustodial parent's share of these typical expenses. Similarly, for Case D, the typical expenditures on children range from \$827 to \$844. Indiana's child support order of \$899 exceeds the higher bound by \$55. For Case E, estimated typical expenditures range from \$1,230 to \$1,819. Indiana's child support order of \$1462 falls within this range.

While the mean and median child support orders consistently fall below estimated typical expenditures on children, Indiana's orders have kept pace with the expected costs of raising children. In three cases, Indiana's child support orders are within the range of typical expenditures on children and in two cases, the orders slightly exceed the upper bound of typical expenditures on children. Indiana clearly demonstrates a clear commitment to protecting the financial interests of children through the child support system.

Conclusion

This paper has examined Indiana child support orders in light of two fairness considerations; the share of the noncustodial parent's income paid for child support and typical expenditures on children. We have found that Indiana tends to take a larger than average share of the noncustodial parent's income for child support. Consequently, the state also has a better than average record in providing for the needs of children in single-parent families, according to estimates of typical expenditures on children.

The full text of the 1997 report, *Interstate Comparisons of Child Support Orders Using State Guidelines*, can be obtained by sending a request and check for \$6.00 made payable to the Indiana University Foundation to the Institute for Family and Social Responsibility. The \$6.00 fee covers the costs of copying, postage and handling.

The Opportunity

At the May 11th conference sponsored by the Institute for Family and Social Responsibility in conjunction with the Indiana Family Social Services Administration, the adequacy of child support obligations to move welfare families toward self-sufficiency will be assessed, especially in cases where domestic abuse is present. The conference will focus on how domestic abuse affects the ability of low-income families to meet new welfare and child support program requirements and become self-sufficient. In addition, the conference will also provide information on how the state can design transitional assistance programs that serve batter women and their children appropriately.

Interstate Comparison of Child Support Orders Using state Guidelines (Continued)

References

- Betson, David, personal correspondence.
Child Support Enforcement Amendments of 1984, P.L. 98-778, 98 Stat. 1305 (1984).
Family Support Act of 1988, P.L. 100-485, 102 Stat.2343 (1988).
<http://stats.bls.gov/cgi.bin/survey/most>
- Lino, Mark. (1997). "Expenditures on Children by Families", 1996 Annual Report, U.S. Department of Agriculture, Center for Nutrition Policy and Promotion. Miscellaneous Publication No. 1528-1996.
- Pirog-Good, M. (1993). Child Support guidelines and the economic well-being of children in the United States", *Family Relations*, 42, pp.453-462.
- Pirog-Good, M. and Mullins, D. (1994), "... And justice for all: Determining the size of child support payments." *Proceedings of the 34th Annual Conference of the National Association for Welfare Research and Statistics*. Austin, TX, 37-49.
- Pirog-Good M. and Brown, P. (1996). Accuracy and ambiguity in the application of state child support guidelines. *Family Relations*, 45, 3-10.
- Pirog, Maureen A., Marilyn E. Klotz and Katharine V. Byers, "Interstate Comparison of Child Support Orders Using State Guidelines", (1997) Working Paper. Institute for Family and Social Responsibility, SPEA 316, Indiana University, Bloomington, IN 47405.
- Ways and Means Committee, U.S. House of Representatives, Green Book, 1996.

About the Author

Marilyn E. Klotz is a research associate at the Institute for Family and Social Responsibility and a third year student in the Joint Ph.D in Public Policy program in the School of Public and Environmental Affairs at Indiana University. Previously, she was a legislative assistant for economic policy for House Democratic Leader Richard A. Gephardt. Her research interests are in domestic social policy, with a special emphasis on public assistance programs.

Interstate Comparisons of Child Support Orders using State Guidelines

http://www.spea.indiana.edu/fasr/Publications/working_paper_9801.html

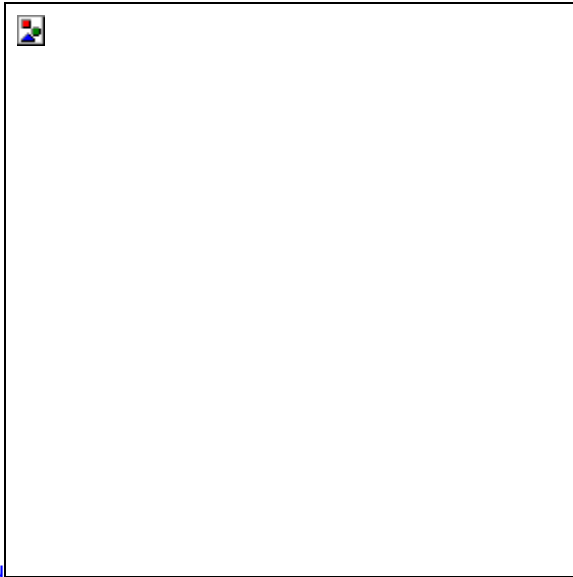
Now published in *Family Relations*, 1998, 47(3): 289-295.

Tables also published in the 1997 Green Book (Committee on Ways and Means, US House of Representatives).

Maureen A. Pirog, Marilyn Klotz, and Katharine V. Byers, FASR, 1998

This article makes interstate and intertemporal comparisons of child support orders. The research examines changes in the size of child support awards over a ten year period. Data were obtained from five state-level surveys conducted bi-annually beginning in 1988. First, the study finds that states with more generous welfare payments tend to require less child support from low income obligors-a policy strategy that has serious implications for women and children on the new time-limited welfare program, Temporary Assistance to Needy Families. Second, in the vast majority of states, child support orders are lower than would be expected if they adequately considered typical expenditures on children. Finally, this study finds that interstate variation in child support orders for families in identical circumstances is substantial and cannot be explained by interstate cost-of-living differentials. The latter finding raises serious concerns about the horizontal equity of state rather than national child support guidelines.

Have comments or questions? Send us an email.



<mailto:fasr@indiana.edu>