

Gardner 209A Study Making Waves

Steve Basile presents study at San Diego conference, plans local presentation

The Basile study of Gardner District Court 209A orders issued in 1997 is making waves. On September 27 last year, Steve Basile presented the study at the 2002 Family Violence Conference in San Diego. Two articles derived from his groundbreaking study are in press at the *Journal of Family Violence*.

The event received local news coverage in the *Boston Globe*, *Telegram & Gazette*, *Sentinel & Enterprise*, and *Massachusetts News*.

Next, Basile and the North Central Fatherhood Coalition chapter are planning a public pre-

sentation in the central Massachusetts area. They intend to invite people from the domestic violence community, such as battered women advocates and criminal justice academics, as well as the fatherhood community, and are looking

at a possible date in March for the event.

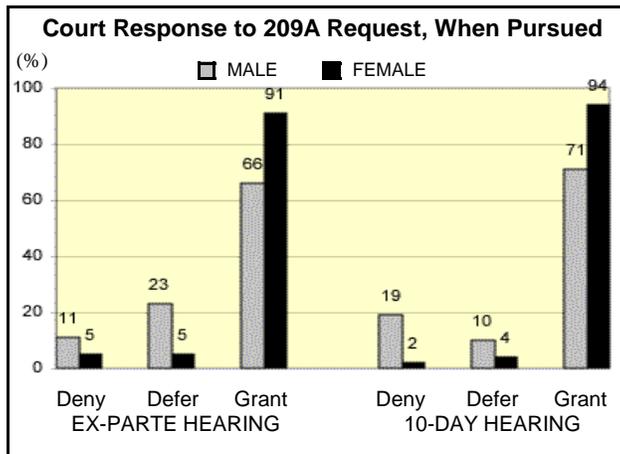
Groundbreaking study

Why is this study groundbreaking?

Basile was not out to preach to the domestic violence community choir about the "politically motivated terrorism of women and children held hostage by batterers in our patriarchal social order" (refer to "Junk science proliferates in domestic violence research," page 2). Rather, Basile sought to do "real two-gender research, with a sound methodology that would include the male batterer and his victims and the female batterer and her victims."

Basile cites "a proliferation of advocacy research and questionable science which often paints a dis-

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Bar Wars: The Empire Strikes Back?

Barbara Johnson investigated by BBO
FalseAllegations.com under attack

Barbara Johnson, whose gravelly-throated laugh and quirky televised debate behavior lightened up last year's Massachusetts governor race, is under investigation by the Board of Bar Overseers (BBO) for legal misconduct.

Johnson is facing no less than five separate charges by the regulatory body that rides herd over the state's lawyers. One of the charges stems from a typical client complaint: a fee dispute. The

other four are far more serious in their ramifications, and are all related to the Linnehan case, a custody/child abuse case that goes back fifteen years.

According to Johnson, in the Linnehan case, the BBO Counsel is asking to see impounded court documents that were filed before a change in the law in 1998 affected the privacy of out-of-wedlock custody cases. Before the change, out-of-wedlock cases were impounded by default, and opened only when a party convinced the court that

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Junk Science Proliferates in Domestic Violence Research

Subtext: Intellectual corruption of the social sciences

The nature and scope of domestic violence has been politicized beyond the point where it is possible to tell fact from fiction. Churchill warned against “lies, damn lies, and statistics;” but the use of junk science, misrepresentation and outright fraud to advance the cause of battered women’s advocates and other assorted warriors in the struggle to dismantle the hated “patriarchy” puts all previous disinformation campaigns to shame.

Small wonder then that Steve Basile had to work so hard to complete and publicize his study. Unfortunately, the “behavioral scientists”—as these people fashion themselves—have become so corrupted by political correctness that they are unable to recognize valid scientific methodology when they see it.

Basile’s presentation at the 2002 Family Violence Conference in San Diego was greeted with a smattering of polite applause peppered with heckling and some hostile questioning. In contrast, the presentation immediately following his was greeted warmly. The audience of social science academics was eager to digest the valuable information imparted by Ann Goetting of Western Kentucky University, and validated her presentation with supportive questions.

Basile’s study deals with facts and makes use of appropriate scientific methodology. There is no selective

sampling that can be used to skew the results. One court. One year. All the dockets. Goetting’s presentation is purely subjective, a pattern that pervades domestic violence research in general.

Following are excerpts from Goetting’s abstract of her presentation. Note how in her opening sentence she boasts of her feminist bias, and how she boasts of flouting the scientific method by describing her research as “creative applied sociology”:

*“As a feminist sociology professor and a researcher with specializations in family studies and criminology in general and domestic abuse specifically, expert witness work on behalf of battered women has evolved naturally from my research, teaching and community work related to families, crime, and domestic abuse. I was able to read, teach, and research about domestic abuse – **the politically motivated terrorism of women and children held hostage by batterers in our patriarchal social order** – for only so long before I was compelled to act. I consider my expert witness work on battering and its effects as a form of feminist activism that follows naturally from the expertise I have gained as a researcher, teacher, and author of domestic violence. **It is creative applied sociology.**”* (Emphasis added.)

Goetting is not an exception. She is representative of the kind of “academic” claiming authority to educate us all on male-female relations. Her abstract continues:

“As an introduction to this presentation I want to discuss and analyze the personal and professional antecedents (as I recognize them) to my passions and skills for this expert witness work. Partly it is a productive outlet for the rage and sense of injustice I carry with me from my own victimization of child abuse and, later, sexual harassment. I

am hoping that professional women in the audience will relate to these experiences and see this expert witness work as a potential outlet for them.”

Men need not apply here to benefit from Ms. Goetting’s wisdom, accumulated from her experiences as a victim of child abuse and sexual harassment.

Goetting continues:

“Next I want to explain my qualifications and purpose as an expert witness for battered women, and then how I go about doing it. I will emphasize the flexibility and creativity that go into the work.” Apparently, Goetting is employed to some degree as an expert witness, an argument if ever there was one for the prohibition of psychologists and psychiatrists, and for that matter any “behavioral scientists” from the courtroom – except, of course, as criminal defendants.

Junk science is far from benign. When publicized in the media, it affects social policy. The *Boston Globe* is the authority of record in Massachusetts, and they have consistently parroted claims of domestic violence researchers and battered women’s advocates while censoring criticism, most recently by publicizing a study recently released out of Wellesley College.

Wellesley ‘Speak Out’ study

The Wellesley study, *Speak Out: a Human Rights Report on Domestic Violence and Child Custody in the Massachusetts Family Courts*, was released in November last year. It purports to show that battered women are being abused by the state’s family courts by awarding custody of their children to their “batterer” husbands, thus endangering the children of these parents. It even claims that the human rights of these women are being violated by the courts. According to Lundy Bancroft, one of the authors, “*Domestic violence*

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Junk science proliferates in domestic violence research

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is not being weighed properly in the cases.”

In typical junk-science fashion, the research made absolutely no attempt at objectivity. The desired results clearly preceded and guided the development of the study. To achieve the expected results, the “researchers” engineered an appropriate population sample and solicited “expert” testimony from the plethora of feminist, anti-male practitioners employed in family law and domestic relations.

Rather than look at a representative cross-section of all female litigants in custody battles – or of all litigants, male and female, who claimed to be “abused” by their mates – inclusion in the population required that a participant be 1) female, and 2) angry at the outcome of her case. Once a candidate was found, so-called “snowball sampling” was used to find other potential participants. That is, a disgruntled female litigant recommended other disgruntled mothers to the “researchers.” According the *Boston Globe* article on the study (“Report Assails Family Court,” Nov. 26), the researchers “focused only on battered mothers because statistics show women are the overwhelming targets of spousal abuse.”

The results of the study are, consequently, not worth mentioning. Basile dismisses the report as “an example of junk science in its purest form.” That, however, did not prevent all major media outlets from reporting on the release of this “important research.”

Debunking the SJC's Gender Bias Study

One of the most repeated “facts” about child custody cases in Massachusetts is attributed to the notorious 1989 *Gender Bias Study*, also authored out of Wellesley College, and commissioned by the Massachusetts Supreme Judicial Court. Unless you've been living in a cave for the past decade, you

have heard that in Massachusetts the courts are so biased against women that when there is a custody battle, “fathers who actively seek custody obtain either primary or joint physical custody over 70 percent of the time.”

This “factoid” has been used many, many times – and not just confined to Massachusetts – to justify various initiatives. Five years ago, as part of a legislative initiative she was sponsoring at the time, Senator Cheryl Jacques claimed that men win custody 70% of the time, “whenever they ask for it.” Careful examination of the report shows that this is a very deft misrepresentation of the actual data. Here's what the data actually show:

In 97% of Massachusetts custody decisions, men were not awarded custody. Only 2% of these decisions were contested by men; and 70% of this 2% of contested custody decisions were modified, giving men some type of custody. This means that 70% of 2% of custody cases were re-litigated and resulted in some kind of custody – not just primary physical custody – to the father. For the math-challenged this amounts to 1.4% of the total.

The *Gender Bias Study* is itself, in fact, Exhibit A of the proof of gender bias favoring women. It took data that revealed an unquestionable bias in favor of women and misrepresented it to conclude that the courts are biased against women. According to Cynthia McNeely (“Lagging behind the times: Parenthood, custody, and gender bias in the Family Court,” *Florida State University Law Review*, 1998), the study, “allegedly implemented ‘to determine the extent, nature, and consequences of gender bias in the judiciary’ ... is a prime example of a results-oriented study ironically reeking of gender bias.”

McNeely's analysis claims that the methodology was entirely subjective, based on interviews rather than hard data from court files. According to Mc-

Neely's reading of the report, however, the very same data could have presented the following conclusions:

- Mothers get primary residential custody 93.4% of the time in divorces.
- Fathers in divorce get primary residential custody only 2.5% of the time.
- Fathers in divorce get joint physical custody only 4% of the time.
- Fathers in divorce get primary or joint physical custody less than 7% of the time.
- Where fathers actively seek custody, they receive primary residency in less than one out of three cases (29%), and joint physical residency in less than half (46%).

Susan Leary, co-founder of The Fathers Group, provides some insight on the *Gender Bias Study*:

“I was on the board of a child welfare organization, and one of the board members interviewed the female academic whose research was used as the basis of the 1989 Gender Bias Study. She had given her permission to women's advocates to use her research. However, she said that the women's advocates misrepresented her findings, and even the premise of her research! She was hesitant to make a public statement, because she knew it would affect her academic position.”

Cheryl Jacques' GAL report

In March 2001, under the auspices of committee chairman Sen. Cheryl Jacques, the Committee of Post Audit and Oversight released, *GUARDING OUR CHILDREN: A Review of Massachusetts' Guardian Ad Litem Program within the Probate and Family Court*.

When news that a study of GALs was to be conducted, many naive non-custodial fathers believed that the legislature was finally going to do some-

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Basile 209A Gardner Restraining Order study

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torted view of domestic violence” as motivation for his study. “Typical domestic violence research systematically eliminates the female batterer from study,” he adds.

Indeed, at a seminar held at Mt. Wachusett Community College in November 2001, presenter Denise Goselin, a law enforcement officer specializing in domestic violence and author of “Heavy Hands,” acknowledged that the government “will not provide any funding for domestic violence research that includes male victims of female domestic violence.”

Basile decided to examine all 209A domestic abuse prevention order case dockets from one year, one court, and see what patterns, if any, emerge. The court: Gardner District Court. The year: 1997.

One measure of the success of Basile's efforts is of the phyrhic kind: legislation was introduced and enacted purely to hinder any future such efforts by “hostiles.” Senators Therese Murray and Cheryl Jacques and Attorney General Tom Reilly introduced legislation to make all 209A docket contact information unavailable to the public very soon after the study's first publicity in a *Telegram & Gazette* article in September, 1998.

The legislation passed and the Public Records Law (Massachusetts' version of the Freedom of Information Act) has now been so amended.

Two analysis' done

What in this study is so threatening? Basile produced two separate abstracts from the data, the first to examine the quantity, nature, and scope of domestic violence allegations, broken down by gender.

The results were not surprising. Of the entire population of 209A requests (plaintiffs), 73% were from women re-

questing protection orders against men. Male plaintiffs seeking protection from women accounted for 14% of the requests. Eight percent of the cases involved only female litigants and 5% involved only male litigants (Table 1).

It should not come as a surprise that women are far more likely to file restraining orders than men. The

question of whether this means that men are more likely to actually perpetrate domestic violence was beyond the scope of the study, and no such speculations are inferred.

“Gender is the greatest predictor of court response,” Basile says. “A lot of these fathers are locked into a violent relationship because of fear of court response. They are scared to lose custody, or even contact, with their children.”

— Steve Basile

Also not surprising, and consistent with existing research (Straus, Gelles, Steinmetz), the degree of violence alleged was roughly equal, though there

were several notable exceptions.

“Alarmingly, 14 percent of cases involving a female defendant in an

opposite-gender relationship also involved the use of a dangerous weapon,” says Basile. “This compares with 1 percent of male defendants in opposite-gender relationships.”

The data also show that women were more likely to make harassing phone calls and threaten to contrive a protective order, as well as use a dangerous weapon and scratch or gouge

their victims. The men were more likely to choke or slam their victims against a wall.

Bear in mind that these all represent unproven charges alleged by the victims in their requests for a restraining order. There is no jury trial where allegations are proved or disproved. 209A protective orders are civil (as opposed to criminal) in nature. A single justice listens to the parties and decides based on the lowest standard of evidence, “preponderance,” whether or not to believe the allegations and grant the protection order. Rarely is anything more than verbal testimony provided at hearings for 209A protection orders.

‘Court Response’ analysis reveals preferential treatment for women

However, it is the second abstract that is creating all the controversy. Basile analyzed the court response to plaintiffs' requests for protection. Here, a clear bifurcation of responses was evident, strongly correlated with the litigant's sex.

When examining the court response, Basile discovered that men were granted protective orders during the initial hearing 66% of the time, while women's requests were granted 91% of the time (Table 2). Fully one-

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LITIGANT	MALE PLAINTIFF		FEMALE PLAINTIFF	
	Number	Per cent	Number	Per cent
Plaintiff	69	19%	288	81%
Defendant	298	78%	83	22%

Table 1. Litigant population, by gender

RESPONSE	MALE PLAINTIFF	FEMALE PLAINTIFF
Deny	11%	5%
Defer	23%	5%
Grant	66%	91%

Table 2. Court response at Ex Parte Hearing, by gender



Basile 209A Gardner Restraining Order study

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third of requests by men for protection were not immediately granted, compared to less than a tenth of women's.

Men were twice as likely to have their request denied (11% denied versus 5% of women's) and 360% more likely to have a decision on their request for protection deferred until a later time (23% of men's request deferred compared to 5% of women's).

Having a decision deferred can be crucial. It may deter men from moving forward in the process because they believe the court won't take them seriously. A lot can happen to radically alter the legal and physical disposition of the parties before the 10-day hearing – a male plaintiff can easily find himself on the wrong end of a counterclaim. For instance, the woman defendant can decide to seek her own ex parte order for protection against the man, which will probably be granted (91% success rate for women plaintiffs at ex parte hearings).

At the 10-day hearing, the data show that the pattern of preferential treatment for women continues (Table 3). Sixteen percent of requests by men

show up, or decide that they don't want the order extended. The most significant results are gleaned by comparing what happens when the plaintiff actively seeks to extend the order (Table 4). Requests by men are denied 19% of the time compared to only 2% of re-

RESPONSE	MALE PLAINTIFF	FEMALE PLAINTIFF
Dismiss	11%	23
Deny	16%	1%
Judge Vacate	8	3
Plaintiff Vacate	8%	6%
Grant	58%	67%

Table 3. Court response at 10-day Hearing, by gender

quests by women. Seventy-one percent of requests by men are granted compared to fully 94% of requests by women.

In a comparison of how the court responded to a request for custody of a child under the protection order, women were granted custody 31% of the time compared to only 8% of the few men in the sample who requested it. However, none of the men received custody at the 10-day hearing; that is, the only cases where men were granted custody was on a temporary basis at the emergency ex parte hearing. In no case was custody preserved through the 10-day hearing.

RESPONSE	MALE PLAINTIFF	FEMALE PLAINTIFF
Deny	19%	2%
Defer	10%	4%
Grant	71%	94%

Table 4. Court response when request pursued at 10-Day Hearing, by gender

for an extended order are denied outright, compared to only 1% of requests by women.

Several outcomes are possible at the 10-day hearing. The plaintiff may not

of these fathers are locked into a violent relationship because of fear of court response. They are scared to lose custody, or even contact, with their children."

With respect to being forced out of their homes, the disparity was again, overwhelming. Male defendants were 110% more likely than female defendants to be evicted if the litigants had a child together. If there was no common child, male defendants were 29% more likely to be evicted.

"Male victims of domestic violence were not afforded the same protections as their female counterparts," Basile asserts in the report's conclusions. "This inequality in court response occurred even though male and female plaintiffs were similarly victimized by their opposite-gender defendants," he adds.

Implications for children not good

Basile is most concerned about what the data reveals for fathers who are locked in violent relationships. The data delivers a frightening message: Under the present circumstances, fathers will not be able to secure custody of their children. While battered women advocates claim that men who hit their wives will also batter their children, we believe that this argument is too loaded with gender politics to be convincing. Nonetheless, if there is some truth to it, children are clearly not being protected from violent mothers when their fathers turn to the courts for help.

Is the data wrong? In a Sept. 5, 2002 *Telegram & Gazette* story, Chief Justice Patrick Fox of Gardner District Court indignantly asserted: "The suggestion we favor one gender over another is something I'd categorically deny." Naturally, spokeswomen for Jane Doe and Battered Women's, Inc. also objected to the study: "[The results] fly in the face of national studies," said an unidentified spokesman in the same article.

Basile and the Fatherhood Coalition invite critics to examine the study, attend the presentation, and discuss the findings. The study shows that there is a double standard at work in Gardner District Court. Men are not treated the same as women. Is Gardner District Court the exception or the rule? We be-

Can you say "War on Fatherhood?"

Gender predicts court response

"Gender is the greatest predictor of court response," Basile says. "A lot



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thing about the “GAL problem.” Generally speaking, GALs reflect the anti-father bias in the courts and are operationally used by judges to justify awarding primary physical custody to mothers, as they do in 97% of the cases, according to the *Gender Bias Study*.

Besides claims that GALs conduct their investigations unfairly, such as by sometimes ignoring “collaterals” of the father or spending far more time interviewing mom’s, there have been many instances where GALs have effectively held fathers hostage by refusing to produce reports until they are paid. Other fathers have complained that only they are held accountable for paying the GALs. But by far the greatest criticism comes from the substance of the reports and their inevitable recommendations: physical custody to the mother.

Once a GAL has recommended custody for the mother, the judge is relieved of the often unpleasant task of justifying taking children away from a good father. After all, the GAL is the authority who examined all parties, including the children, and their recommendation provides what every family court judge is always looking for: the path of least resistance. With a 209A restraining order, temporary custody to the mother, a usurious, crippling child support order, and now a GAL recommendation, the case – and the father – can be neatly disposed of. *The path of least resistance.*

Jacques' report is packed with anecdotes showing how the inability of a GAL to see through the ‘deceptive charm’ of an (always male) batterer resulted in a recommendation that was favorable to him. Curiously absent in these anecdotes is any mention of the actual final custody outcomes in these instances; that is, a supposedly flawed GAL recommendation is made, yet there is no statement about the actual custody decision finally rendered by the judge.

From the report:

“In a 1998 custody case before the Norfolk Probate Court, a GAL ordered and administered a psychological evaluation of a mother who was allegedly a victim of domestic violence. According to Dr. Maureen Carnes, expert witness in the case, and the authors of the psychological evaluation, the interpretation of the test's score needs to be adjusted if the person being tested has experienced trauma such as domestic violence. If the trauma is not factored into the interpretation of the score, the results can be skewed. For example, in this case the woman's test claimed she had pathological behavior. However, Dr. Carnes believed that the behavior was a result of the abuse and that the mother was not pathological. The GAL did not factor in the trauma experienced by the mother and used the skewed results of the test against the mother in the final GAL report.”

The judge's actual final custody decision is omitted. I wonder why?

The report quotes the aforementioned Lundy Bancroft, one of the authors of the 2002 Wellesley Women's Project *Speak Out* report. Bancroft is a self-described specialist in dating violence and domestic violence who “trains GALs.” He makes the case that GALs are not sufficiently trained in understanding the nature of domestic violence and are making rec-

ommendations favorable to the “batterer.”

“Lundy Bancroft, an expert in domestic violence issues and a practicing GAL in Massachusetts, recommends extensive training specifically in the area of domestic violence, since it is often a factor in child custody cases. Furthermore, Mr. Bancroft contends that in his experience GALs without specific domestic violence training often act in ways that put the children they are charged with protecting at risk and unwittingly re-traumatize domestic violence victims.”

Given the prejudices of the report's authors and the “experts” it used, these conclusions excerpted from the report are predictable:

- *“The GAL system in Massachusetts does not effectively incorporate the standards of the Presumption of Custody Law, which is designed to protect children from parents with a history of domestic violence.*
- *“The Probate and Family Court should establish thorough training and eligibility requirements for the GAL system, including: ... A mandatory training program for all new GALs prior to being assigned to their first case, including training on domestic violence, substance abuse, and sexual assault; and adequate mandatory annual professional development training.*
- *“The Probate and Family Court should develop clear guidelines describing how GAL investigations are to be conducted and what information reports should contain... The standards must incorporate Massachusetts's statutory requirement that judges consider evidence of domestic violence when making custody and visitation determinations.”*

The *Gender Bias Study*, the *Speak Out* study, and Cheryl Jacques report

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The Four R's of the CPF Mission Statement

To secure equal parenting rights and responsibilities for men and women, by:

- Raising awareness of the social problems and harm to children caused by fatherlessness.
- Reversing government laws and policies that promote fatherlessness.
- Restoring constitutional protections for fundamental rights in family law.
- Restricting state intrusions into the sanctity of the family.



Junk science proliferates in domestic violence research

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on the state's GALs, are all examples of biased research that has directly harmed fathers in Massachusetts. There are many other phony factoids that are either attributed to bogus or flawed research studies or simply fabricated out of thin air.

In conclusion, some of the more notorious examples are given:

- Up to 50% of emergency room visits are attributed to domestic violence.

The figure of one-third has also been highly publicized. According to the Department of Justice report ("Violence-related injuries treated in hospital emergency departments," August '97) in all hospital emergency visits nationwide in 1994, 0.3% of women's visits were due to domestic violence. The false claim represents an exaggeration of two orders of magnitude, or an inflation of at least 10,000%.

- Domestic Violence is responsible for more birth defects than all other causes combined.

This often-repeated factoid is erroneously attributed to a *March of Dimes* study that never existed.

- Superbowl Sunday is the most dangerous day of the year for battered women.

After considerable effort, Christina Hoff Sommers was able to track down this factoid to "The Old Dominion Study." The study actually reported that an increase in emergency room admissions was not associated with the occurrence of football games.

- A woman is assaulted by her male partner every 15 seconds.

This famous factoid is actually attributed to valid scientific research, namely the groundbreaking work of pioneer researchers Murray Straus,

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justice would be served by public disclosure. After the change in 1998, the situation reversed. Out-of-wedlock custody cases were now treated the same as marriage cases: court records are public unless there was a compelling reason to impound them.

Johnson claims that the Bar Counsel wants to see these documents so they can then make a claim that she has illegally revealed impounded information by posting several of the court documents on her infamous web site, *falseallegations.com*. "The purpose of the Bar's motion is to find evidence proving that Johnson published court-impounded evidence in files on her website," she writes in her Proposed Findings of Fact.

Johnson's Findings argue that the law should be interpreted to act retroactively, and if not, then the documents of the Linnehan case should be opened not just to her opposing counsel but to

Richard Gelles, and Suzanne Steinmetz. What is never reported, however, is that this scientific study also found that a man is assaulted by his female partner every 14 seconds.

The use of garbage science to advance the victim-feminist worldview that men's use of force to control women is inherent in the construction of masculinity, thus necessitating the dismantling of "the patriarchy," serves as one example of how political correctness has been allowed to corrupt the social sciences.

It is easy to cast blame on a liberal media that is quick to promote any sensationalist nonsense to advance its own editorial agenda, but fundamentally it is academia itself that bears the brunt of the blame. Scientific standards have been relaxed if not completely ignored by those that advance what are considered "politically correct" causes. Ultimately, it is the responsibility of our academic institutions to police them-

the public because, "equal rights and equal protection demand the records be open for all, for there is a 'great public interest in disclosure of all information relevant to misuse of authority and official wrongdoing.'"

Arguing for open disclosure and an end to judicial immunity, Johnson questions, in her brief, whether the "repeated abuses" by the judges in the Linnehan case would have been committed "if public scrutiny had been allowed."

"If judges and those they appoint to investigate, evaluate, or determine custody and visitation issues were not given, respectively, judicial and quasi-judicial immunity, perhaps Linnehan would not have lost knowing his son for the past 15 years. The tragedy is irremedial. Such denial of due process must be disclosed so that, at least with a little luck, similar tragedies will not occur," she concludes.

Choosing the most egregious cases of judicial abuse that victimize fathers, especially those falsely accused of child sexual abuse, is Johnson's stock-in-trade. Those of the electorate that ventured beyond Johnson's scant TV coverage during the campaign discovered that she is a passionate champion of fathers and children who have been victimized by the child abuse witch-hunt that has gripped this nation for three decades.

According to Johnson,

"In domestic relations cases, the bias in favor of women to the detriment of children and their fathers is pandemic. In DSS, DHS, CPS cases, the danger to families – including women – by the so-called child protection agencies across the nation is equally as dangerous.

"Both of these legal realms are leading to the destruction of family and/or familial relationships. Together they are America's Secret Holocaust."

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Infamous web site: FalseAllegations.com

Johnson's initial desire to "provide free samples of different types of pleadings for use by the literally hundreds of thousands of people financially unable to retain competent legal representation," led to the creation of her web site, *falseallegations.com*. In her words, the site is for those "suffering piteously across the country at the hands of the system in two areas of law: in domestic relations cases and in child-protective-services cases."

It is this web site which provides the focus of the four complaints against Johnson, and she believes that along with her license, her web site – an embarrassment to the state's legal system – is the target of the BBO.

At issue is the legal right to publicly reproduce certain legal documents pertaining to the Linnehan case dockets. Jim Linnehan, Johnson's client, lost all access to his then three-year-old son in 1988. Johnson is Linnehan's seventh lawyer, and came on the case in 2000, years after he lost his son.

Linnehan: Textbook case of sexual abuse charges in custody litigation

Johnson asserts that Linnehan is a textbook example of the child-sexual abuse witchhunt that has yet to fully relinquish its grip on the nation.

In a classic case of false allegations, the child's mother's allegations were supported by social workers who are prone to rubberstamping any woman's claims that her child is being sexually abused by the man who she coincidentally happens to be estranged from. In the Linnehan case, the parents weren't married, and documents on Johnson's web site infer that the mother's anger at Linnehan was due to his refusal to marry her.

Also, in textbook form, Linnehan was never able to confront his accusers in court. He was never able to obtain a trial on the merits.

Since taking Linnehan's case, Johnson has filed two lawsuits, one in Bristol County Probate & Family Court at New Bedford and one in federal court against investigators Christopher Salt, a Massachusetts court-appointed evalua-

tor, and Eileen Kern of the New Bedford Child & Family Services, Sandra Fyfe, M.S., at the time an unlicensed social worker at the Collins Center in Taunton, Jack McCarthy, a therapist, and Dr. Eli Newberger, formerly of the Child Abuse Unit at Children's Hospital, identified as "Doctor Dread" on Johnson's web site.

Children's Hospital's infamous Eli Newberger: "Doctor Dread"

A nationally renowned child abuse expert and founder of The Child Abuse Unit at Children's, the father's rights community in Massachusetts knows Newberger as a victim-feminist, social engineer of the first order with a long history of substantiating claims of abuse against fathers lodged by women in custody battles. Countless good fathers (and mothers) have had their lives destroyed by Newberger in his zealous quest to expose the "batterers" and "abusers" that in his worldview lurk inside outwardly normal families.

His zealotry may have been a factor in the reorganization of the Abuse Unit and his leaving Children's soon after a critical article appeared in the *Boston Globe* in September 1998 and a subsequent independent outside review of the Unit recommended sweeping changes.

The *Globe* exposé gave excruciating details of the lengths to which the Abuse Unit at Children's went to substantiate child abuse in several high profile cases that were eventually overturned:

"No hospital is more identified with the issue of child abuse than Children's. Other hospitals refer cases of suspected abuse there. Its doctors carry great weight both with DSS and the courts; their testimony can send an accused abuser to jail or place a child in foster care."

"They are predisposed to find abuse," says Rita Pollak, a former DSS attorney who now represents parents accused of abuse. "I don't know of any case I've been involved with where

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YES! I want to help end the discrimination against divorced and single fathers!

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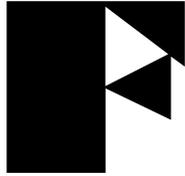
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Johnson and Schebel Champion Fathers Rights in Gubernatorial Campaign



athers rights was forced onto the political agenda, with some small measure of success, by Independent candidate for Governor,

Barbara Johnson. Joe Schebel, co-chair of the Hampden County chapter of the Fatherhood Coalition, ran as her Lieutenant Governor candidate.

Barbara was able, just barely, to interject "fathers rights" into the two televised debates she participated in. Between Carla Howell's "Small government is beautiful" mantra and the main course of Mitt v. O'Brien, Barbara managed to mention the abuse of fathers by the courts.

Joe Schebel participated in the one televised Lieutenant Governor's debate and gave a powerful closing speech where he "challenged the other candidates to look him in the eye and tell him that fathers are not important to children."

Barbara became something of a mascot for the WAAF "The Hillman Show" morning drive radio show, where she had greater opportunity to voice her concerns with how fathers are mistreated in the courts. Similarly, in all of the extensive print media coverage she received, "fathers rights" was always given prominence in the articles.

Barbara, Joe, and their supporting staff, deserve the gratitude of all fathers rights advocates. Barbara has amassed a huge campaign debt, and interested parties are urged to contact her directly to assist. She has made it known that she would like to recoup some of her expenses by holding a raffle for the famous fire truck that she drove around the state dousing the "flames of corruption in Family Court."

Interested parties can contact attorney Barbara C. Johnson directly or

through her web sites:

6 Appletree Lane, Andover, MA
01810-4102. Phone: 978-474-0833
barbarajohnson@worldnet.att.net
barb@barbforgovernor.com

Campaign for Governor:

<http://www.barbforgovernor.com>

False Allegations:

<http://www.falseallegations.com>

To help reduce Barbara's campaign debt, make checks payable to:

The Committee to Elect Barbara C.

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Children's Hospital hasn't found abuse. At least once, you would hope, a case would come out of that unit and they would say we don't see abuse here."

Linnehan never interviewed with his son

It was the esteemed Dr. Newberger's support of the allegation of sexual abuse that was the kiss of death for Linnehan and his son. According to Johnson's papers, Newberger and the team never conducted observation sessions between Linnehan and his son.

From Johnson's court documents from the federal suit:

"Christopher Salt had made no reasonable effort to learn the truth of what, if anything happened, between Linnehan and his son. Salt merely parroted what the mother told him, failed to question mother adequately, and although Salt became aware that mother and child were living with another man [...], Salt outrageously and untruthfully wrote that because no other man was around, Linnehan was the perpetrator of abuse against his son. It was beyond all bounds of human decency to accuse an innocent man of such a crime and to

cause him to lose all contact with his son based on no evidence other than that the words of a woman who sought only revenge for his failure to marry her. They suggestively and improperly questioned the child until [he] allegedly accused Linnehan, and rubber-stamped each other's decisions that Linnehan had sexually abused his child.

"Linnehan was not allowed to confront the accusing Salt in a court of law before he was deprived of his relationship with his son, and he suffered damages that are a direct result of those acts."

With respect to investigator Eileen Kern, Johnson's suit alleges:

"Adding insult to the deprivation of constitutional due process, ... Kern never interviewed Linnehan and never met him before or after she recommended that he be denied visitation with his son. Kern's sources were [the son's] mother and the 3-year-old toddler, who spoke of kitties and toy dinosaurs and Batman and Robin and to whom Kern irresponsibly and outrageously read a sex-abuse-filled comic book..."

The Board of Bar Overseers allows anyone to file a complaint against an attorney. Typically, disgruntled clients file complaints against their attorneys. In Johnson's case, complaints were filed by Robyn Gerry-Sylvia, the mother of Linnehan's child – who was then involved in a six-year contentious divorce and has made accusations of child-sexual abuse against this man also – and Deborah Wolf, the attorney appointed by the court to represent Linnehan's child. Additionally, the BBO itself has filed a complaint, in the name of the Office of the Bar Counsel, seeking to force Johnson to remove court documents from her web site.

The actual letters from the Bar Counsel to Attorney Johnson are explicitly prohibited from publication, but, according to Johnson, her replies are not. From Johnson's responses to the complaint by the BBO it can be

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gleaned that she is accused of publishing "privileged, confidential, and protected information," on her web site.

In her response, Johnson provides copious case law cites to defend her right to publish the selection of court documents that she has on her site.

She believes that it is her openness in challenging the courts and the child protection services industry – for example by advocating for court reform and ending judicial immunity during her gubernatorial campaign – that has earned her the wrath of those in the legal community that have a vested interest in the status quo. Johnson believes that it is *only* by publicizing exactly what is actually going on in child protection cases (without invading the privacy or harming the innocent children involved) that much needed reform will be possible.

She claims that children are being removed from homes by these agencies, which are receiving tens of thousands of dollars annually for each child removed. The children are then put up for adoption without proof of unfitness or consent of the parents.

Johnson is especially incensed at Judge Ronald Harper of New Bedford Juvenile Court, the judge who presided over the initial Care and Protection case of Linnehan's son:

"Because I think the acts of the renegade lawless judge who presided over those two Linnehan cases in two courts (the Juvenile Court and the Family Court) should be exposed and that the public should know the heartless unlawful behavior of the courts, I uploaded the information. As a result of the lawlessness of Judge Harper, Jim Linnehan has not seen his son for 15 years! Jim has never stopped fighting to see him."



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Hampden County (413) 789-7515	Hampshire County (413) 295-DADS
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Call or visit the web site
www.fatherhoodcoalition.org
for **all** meeting details.



The
Fatherhood
Coalition

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