

Fathers Rights candidates vie for state offices



Mike Franco (center) and Joe Schebel (extreme left) at campaign dinner.

One sure sign of progress is the fielding of bona fide Fathers Rights candidates for political office. Two Fatherhood Coalition veterans are running for statewide office.

Statewide administrator and former co-chairman Mike Franco's campaign for the Governor's Council from the 8th District is building steam. Franco is the lone Republican in the race, facing a Democrat and an unenrolled candidate, both lawyers.

Joe Schebel of the Hampden chapter is running as an Independent for state representative from the 3rd Hampden District (Agawam, Granville, Russell, and Southwick).

Both candidates were present at a fundraising dinner for Franco at the Riverbend Steak & Ale House in Springfield in September.

Franco opposes lifetime appointment of judges, and wants a recertification process to take place every four years where judges will have to gain the approval of the majority of the electorate to continue holding their jobs. This is not the same as the outright election of judges, which is the procedure in

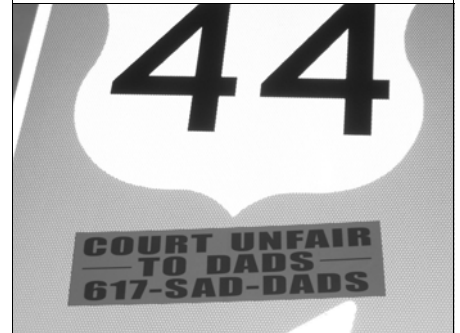
some states.

At the dinner, Franco opened his speech with this populist—and popular—statement: "I'm not a lawyer and I'm not a judge, and that's why I'm the most qualified candidate for the position of Governor's Council."

Unlike his opponents who are part of the legal community, as an outsider Franco asserts that he is the only candidate advocating for judicial accountability and restraint of judicial powers.

Nationwide, calls for curbing the powers of the judiciary are coming mainly from social conservatives outraged by the imposition of abortion on demand and gay marriage via judicial fiat. The Supreme Court in *Roe v. Wade* and the Massachusetts Supreme Judicial Court effectively 'legislated from the bench' these two highly controversial positions, which are now considered, respectively, the law of the land, and, in Massachusetts, the 'law'

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of Massachusetts.

Fathers Rights advocates are naturally at odds with the judiciary as the courts are antagonistic to dads who refuse to 'go along with the program' in child custody litigation. Judges often act outside the law to punish these dads by criminalizing them through contempt powers and usurious child support orders that cannot be met.

It is no surprise that Schebel lists 'court reform' as one of his issues on his web site votejoeschebel.com.

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Bar Wars gets ugly

Barbara Johnson disbarred and facing jail

By Mark Charalambous

Attorney Barbara Johnson has been defending men against the various “gender crimes” manufactured in the feminist tribunals euphemistically known as “family” or “divorce” courts for more years than I, and I’m sure she, would care to remember.

Her infamous web site, *falseallegations.com*, presents a rich history of her work during the past decade or so, defending men against false allegations of sexual abuse of one’s children, domestic violence, child kidnapping, and other charges typically lodged against men who have the temerity to challenge their state-defined post-divorce role as the financial provider and “non-custodial” visitor to their children.

It seemed inevitable, then, that the “empire” would eventually strike back, as it did this July when Justice Francis Spina of the Massachusetts Supreme Judicial Court issued a (single justice) ruling disbarring her from practice of law in the state.

The latest hearing as of this writing, a contempt for non-compliance with the disbarment judgment, is set for the high court on Tuesday, Oct. 17, again in front of Spina. Barb is facing jail, depending on whether or not the contempt is civil or criminal, which, incredibly, remains ambiguous.

The plaintiff is the Bar Counsel of the Board of Bar Overseers (BBO), which lodged the complaint for Barb’s disbarment. She is charged with not fulfilling required paperwork notifying courts of her disbarment, and that she appeared in court representing a client in Hampshire County after the ruling.

Barbara Johnson is more than simply a Fathers Rights attorney, she is an institution in the state’s Fathers Rights

community. Many men can attest to the help she has given them, often for little or no pay. But just like anyone else, Barb has to pay a mortgage and feed the car, and thus her clientele is not restricted to aggrieved fathers. Participants in CPF’s online list server, FATHERS-L, have over the years read posts from Barb making a point using an amusing anecdote from a case unrelated to Fathers Rights to shed light on a particular discussion.

It is from three cases, two of which are Fathers Rights related, that charges of legal malfeasance stemmed. According to the BBO, legal misconduct in the courtroom, as well as in the specific cases, was grounds for disbarment.

“The respondent’s misconduct has been directed toward her clients, opposing parties, other counsel, judges and other adjudicators, witnesses and innocent third parties,” Spina wrote. “She has made inflammatory and contemptuous statements both verbally and in writing on her website. ... Her misconduct demonstrates her outright refusal to conform her conduct to professional standards and ethical requirements.”

According to Barb, her disbarment was entirely political, caused by something completely unrelated: Her outspoken criticism of the Massachusetts judiciary and the legal system. As evidence that the disbarment was caused by her calls for court reform and an end to judicial immunity, Barb points to the fact that the BBO charges were initiated within weeks after the 2002 election, when Barb brought her issues to the public’s attention in her campaign for Governor. Barb is largely responsible for putting the words “Fathers Rights” on the media radar. She appeared in two of the televised debates and received constant press coverage during the campaign, where she was

usually referred to as a “Fathers Rights attorney.” Barb very visibly brought the issues of court reform and a call for an end to judicial and quasi-judicial immunity to the public’s attention.

Barb also claims that the disbarment is a response to her educating fathers that they are not responsible for paying the fees of court-appointed guardians ad litem (GALs). According to state law, that expense is to be borne by the court. Typically, litigants in custody battles are billed hundreds and thousands of dollars for the work of these “experts,” who produce a written recommendation to the judge in contested custody cases. Such court fees that go unpaid by fathers are often used to jail them for “contempt of court,” as with unpaid child support.

Barb points to the recent push toward the use of “Parenting Coordinators” rather than GALs—who have quasi-judicial immunity, and more importantly, whose fees are not covered by the afore-mentioned statute—as due to her work educating many men who now know to refuse to pay GAL fees.

Is it all about money?

The first Count stems from a case in which I am familiar. At the beginning of my involvement in Fathers Rights over a decade ago, Jim Linnehan was one of two fathers whose cases were particularly onerous. He had been accused of sexual molestation of his son, and had, of course, lost all right of contact with him. He had the great misfortune of having the involvement of the ghoulish Eli Newberger in his case, who at the time headed the then notorious Child Abuse Unit at Boston’s Children’s Hospital.

Under “Doctor Dread,” the Abuse Unit was “predisposed to find for abuse,” according to Rita Pollack as

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Franco & Schebel

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Schebel supports shared parenting and believes that it is the only way to guarantee that children and their parents maintain a productive relationship with one another following a divorce or family breakup. He points to the 2004 non-binding referendum calling for a rebuttable presumption of shared parenting that was passed with an overwhelming 84 percent majority as proof that the people want shared parenting, and also as yet another example of the arrogance of elected politicians who flout the will of the people.

Schebel also advocates for reform of the state's notorious abuse prevention law, MGL 209A. He promises to craft legislation that would provide criminal penalties for anybody who seeks and obtains a 209A restraining order under false pretences. Furthermore, his legislation would hold criminally liable anyone who persuades someone to commit perjury to obtain a restraining order fraudulently, including an attorney.

According to Franco, Massachusetts Trial Court judges have absolute immunity, making it virtually impossible to hold them accountable when they don't follow statutory and constitutional law. He further contends that some judges use the overwhelming and intrusive authority of government to strong-arm and intimidate litigants, as well as to socially engineer case outcomes in line with the "politics of the times."

The judicial recertification process would serve as a deterrent against incompetent or corrupt judges maintaining their power. "The judiciary is the most powerful branch directly affecting our citizens at the local level," Franco said. "When an incompetent and politically motivated judge makes a mistake, it can ruin peoples' lives for a very long time."

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Taking it to the roads

'Headless Freeway Blogger' brings Fathers Rights messages to commuters

Have you spotted the handiwork of the 'Headless Freeway Blogger' lately? If you had, you would've seen any of the numerous signs spouting Fathers Rights messages that have been popping up on freeways across the state.

Signs bearing messages such as "Court Unfair to Dads" and "Stop the War on Fatherhood" have been appearing on the Mass Pike, 495, 95, 128, 24, 2, and elsewhere.

'Freeway blogging' is a nationwide phenomenon, originating in California by opponents of President Bush and the war in Iraq. Brilliant examples of political soundbyte messaging can be seen on the web site freewayblogger.com.

The freeway blogging campaign in Massachusetts by Fathers Rights activists quickly got the attention of the government, which through the offices of MassHighway issued a directive to remove all signs overhanging freeway overpasses.

The *Eagle Tribune* reported ("MassHighway bans flag, banner overpass displays," Oct. 4) that "MassHighway is banning all patriotic displays on freeway overpasses, calling the decorative flags and banners dan-

gerous for the drivers below."

Oddly enough, the news story made no mention of the Fathers Rights signs, but instead reported on the proliferation of patriotic signs pertaining to the War in Iraq as the cause of the new policy.

Claiming the patriotic signs represent a safety issue, it is quite a coincidence that this decision was made within days of Fathers Rights signs being erected, whereas both patriotic and



"STOP The WAR ON FATHERHOOD"

anti-war signs have apparently represented a danger for the five-plus years since the U.S. military responded to the terrorist attacks of 9/11.

Perhaps by reading between the lines of the *Eagle Tribune* story the truth can be found:

"[S]tate highway officials are concerned that the trend, which was growing statewide, could cause a major accident if the decorations fall on the traffic below. Crews have already stripped bridges of flags and banners on interstates 93 and 495, starting about two weeks ago after noticing an uptick in the overpass displays."

[emphasis added]

The 'Headless Freeway Blogger'—whoever he or they are—is apparently ignoring the edict, in the true spirit of civil disobedience. ■

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'Making Deadbeats': New Fathers Rights documentary

The Fatherhood Coalition's Steve Basile is putting the finishing touches on his documentary film on the plight of divorced fathers, "Making Deadbeats." Basile is familiar to the Fathers Rights community from his study of 209A restraining orders issued in Gardner District Court in 1997. His study has been cited by papers in social science journals around the world.

The film's launching point is the infamous Department of Revenue (D.O.R.) "Deadbeat Dad" wanted poster. This PR gimmick was started during the administration of Governor William Weld. In a truly perverse gesture, the RINO Republican appointed his gay college roommate Mitchell Adams, a man incapable of having intimate relations with a woman, to head the Child Support Enforcement department of the DOR. Adams was a regular feature in the liberal Boston media with various initiatives targeting "deadbeat dads."

Interspersed with interviews with a half-dozen or so of the 'most wanted' are interviews with various leaders from the Massachusetts Fathers Rights community as well as several other experts.

To find his first 'deadbeat dad,' Basile had to fly to the Middle East. Another man, whose capture in Iowa was celebrated in the Fitchburg/Leominster (north central Mass) press, was interviewed after he had been imprisoned for six months for child support arrearage.

As the interviews proceed, we discover the circumstances that led to each of the 'deadbeat's' predicament and eventual arrearage that culminated with their appearance on the poster. Most of the men interviewed are working class,

who nonetheless racked up large arrearages.

But in every case, it is the flaws in the child custody, child support, and also domestic violence regimes, which are revealed to be the cause of the downfall of these men.

In one heart-rending case, the father was accused of sexual abusing his son. We

see the father read from a letter where he is told that his son had tried to commit suicide after realizing the full ramifications of his actions.



Steve Basile

There are several highly emotional moments in the film. A woman who lost her father as a child of divorce is seen giving compelling, and tearful, testimony to the Judiciary Committee during the hearings last year on the shared parenting and 209A reform legislation.

A common thread to about half of the men's stories is slowly revealed as the film drills into the details of their stories: their wives were physically abusive.

"Making Deadbeats" is a powerful film that has the potential to open the eyes of the public as well as of policy makers who are ignorant of the effects of the state's divorce and custody procedures on fathers and children.

For more information about the film, contact Steve Basile at stevebasile@comcast.net. ■

Chairman's Corner

— Michael P. O'Neil

I joined CPF to win. Like all our members, I am offering my time and talents to help end the war on fathers being waged by the Commonwealth of Massachusetts. Winning requires a goal and a strategy to achieve that goal. The initiatives of our organization and the events we have participated in over the past two and a half years have all been necessary elements in a coherent strategy towards this goal. We are now developing the final elements of the strategy that will bring victory.

Reaching this goal will not be easy. The forces arrayed against fathers are extremely powerful, and for a number of reasons fathers are difficult to enlist and organize for a winning effort. But today the environment is changing. The victim pool is increasing towards critical mass, with more fathers, grown children, second wives, parents, grandparents and even mothers reacting to the injustice of the divorce industry. The mainstream media is losing its stranglehold on the dissemination of information as numerous alternate media arise. Ours is now an informational and computerized age, with instant communication and state of the art electronic technology within our organization.

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The RECORD is the official newsletter of CPF/The Fatherhood Coalition
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Social Security, Welfare, and Child Support Enforcement

How federal welfare funding drives judicial discretion in child-custody determinations and domestic relations matters

By Lary Holland and Jason Bottomley

Introduction

There is a growing pandemic in this country where the very fabric of our society, the family, is being attacked and destroyed. Our children are systematically being torn away from willing and capable parents who want to be involved in parenting their children. Families are systematically being torn apart instead of being helped when they turn to the states' family courts to solve domestic relations disputes. This document demonstrates an attempt to trace this problem back to its source.

The topics and issues being discussed are quite complex because of the nature of the multiple welfare programs created within Title IV of the Social Security Act (SSA); so the authors have attempted to provide a simplified overview of how federal welfare funding motivates the state family court judges to remove a willful parent and create high child support orders.

The authors have spent a tremendous amount of time researching external economic factors that they believe drive judicial discretion and influence professional judgment in domestic relations matters. Through their research and experience, the authors have concluded that a relationship exists between the federal funding of state welfare programs and the determinations made by state family court judges presiding over child-custody and domestic relations matters. They believe that it is this relationship that de-emphasizes the importance of sharing parental responsibility, and instead emphasizes a manufactured public policy concerned only with the financial obligations of one parent—rather than on the real interests

of the children involved.

The authors have also concluded that, while this relationship has successfully been masked behind what is commonly termed “the best interests of the child,” the federal funding created within the Social Security Act provides clear monetary incentives to states that have a high-occurrence of one-parent households, where a child has the majority of access to only one of their parents. The authors believe that this “best interests of the child” standard is loosely subjective, gives unlimited discretion to state family court judges, and ultimately leaves a tremendous amount of room for abuse.

In simplest terms: State family courts are forcibly depriving children's access to a parent because it is a source of revenue for the states—and *because they can*.

Social Security covers welfare

The most basic component of the federal welfare system was originally created by the Social Security Act with the intent of providing assistance to families in which the parent who financially supported the family was absent due to death, or where a disability prevented that parent from providing for the family. Unfortunately, the welfare system has shifted away from providing assistance to needy families into a system of entitlement and abuse by both the state and the welfare recipient.

Welfare programs are a combined effort between federal and state government. Federal welfare programs impose voluntary guidelines on the states and provide block grant funding for compliance. These block grants similarly resemble how the states' are granted federal funding for enacting motorcycle-helmet and motor vehicle

seat-belt legislation or risk losing substantial federal highway repair dollars. States are not required to participate in the federal welfare programs created within Social Security; state participation is strictly voluntary—but by not participating, the state is turning down extremely large sums of federal money.

Title IV (four) of the Social Security Act consists of four parts (A, B, D, and E) and provides for the annual appropriation of block grant funding to subsidize the operation of various state-level welfare programs as outlined in each part of the title as long as the states are compliant to the federal guidelines.

Title IV, Part A (or IV-A) is the most widely recognized welfare program, and is referred to as Temporary Assistance for Needy Families, or TANF.

Formerly known as AFDC, the TANF welfare program imposes federal guidelines to which all states must adhere in order to receive billions of dollars in federal block grant funding. This money is only available to a state when that state fully or substantially complies with these federally imposed guidelines. The complying individual states can use the money they receive to pay for the administration of their own programs, and to provide cash assistance to “needy” families pursuant to the federal guidelines.

The type of program described in Title IV-A is referred to as an “entitlement” program at both the state and welfare recipient level because it entitles the complying states to receive blocks of grant money, and it entitles the recipients who qualify to receive a certain amount of money as well.

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Eligibility requirements in Title IV-A (TANF) exclude the middle-class

Eligibility must be proven in order to receive services and cash assistance through the IV-A TANF welfare program. The eligibility requirement, which uses income level as an indicator to demonstrate need, limits program participation to families with dependent children that show an actual need for income assistance. Not every person is eligible to receive cash assistance benefits and services through the TANF welfare program, and sometimes eligibility is limited to only the children of “needy” families.

Paternity establishment is one requirement, except in limited circumstances, that determines continuing eligibility of benefits to a recipient. If paternity is not already established or paternity is not actively being sought by the recipient, the recipient’s portion of any cash assistance is reduced or even completely discontinued. If paternity is successfully established, the recipient is required to surrender and assign to the state any child support benefits established by court order.

Other eligibility requirements provide restrictions to the duration of Title IV-A benefits to 5 years and mandatory requirements for recipients to participate in certain work activities. Also, if the recipient is an un-emancipated minor with a child, the minor must be involved in schooling and be under the supervision of a responsible adult.

Welfare reform

In the eyes of many, including Congress, the IV-A TANF welfare program has been widely abused since its inception. People have been known to alter their living conditions to fit the eligibility requirements in order to receive the cash assistance offered by the program. Abuse has prompted

Congress to reform the entire Title IV welfare system by modifying the federal guidelines, changing how the states operate welfare programs—including who is eligible and for how long benefits may be received.

Attempts by Congress to reform welfare have caused the spurious growth of new and expanded programs within Title IV. In addition to other programs, Title IV currently includes a **Child Support and Establishment of Paternity** welfare program in Part D (Title IV-D).

The federal Title IV-D program makes large sums of grant money available to the states through the Department of Health and Human Services’ (DHHS) Administration for Children and Families’ (ACF) Office of Child Support Enforcement (OCSE). In Fiscal Year 2006, Congress appropriated \$4,200,000,000 (4.2 billion dollars) for the states that operate programs in accordance with federal guidelines.

Child Support enforcement is a Welfare program

The purpose for the creation of the IV-D welfare program was to recover taxpayer money which was being spent by the federal government on needy families under Title IV-A (TANF). The intent of Congress was to slow the drain that the Title IV-A (TANF) cash assistance program had on the budget. The presumption was that single mothers with a high incidence of out-of-wedlock births were the proximate cause of the rising welfare expenditures. Congress attempted to shift the financial burden from their own budget to the parent who abandoned the family.

The result of Congress’ intention was the creation of Title IV-D federally mandated guidelines, incentive block grants, and performance based grants being made available to the states for their operation of federally compliant

programs. States that would comply with the federal guidelines made it a priority to collect money (termed as “child support”) from **willfully absent** parents who had **abandoned their parental responsibilities** to their children. The goal was twofold: To reimburse the expense of providing public assistance to children who had been willfully abandoned by a parent (and thus forced to become dependent on public assistance to satisfy basic needs), and to ensure continued financial support from willfully absent parents with children that were at risk of requiring public assistance if they didn’t receive support (to prevent them from requiring public assistance to satisfy basic needs).

In essence, the federal guidelines wanted the states to function as collection agencies, recovering financial support from parents who had willfully abandoned their parental responsibilities to their children. The result, however, was different from the intent and has caused the state welfare programs to adjust their environment to have a greater need, which has caused the program to collect from willing parents that would ordinarily provide a loving environment for their children absent a court order limiting a parent’s involvement. Despite the original intent of the IV-D welfare program, it now provides an incentive for the states to use their family courts to produce forcibly absent parents in order to increase the states’ IV-D welfare caseload.

Nonexistent eligibility requirements for IV-D Welfare isolate children from willing parents

There are no limitations for participation, or eligibility requirements for recipients of the Title IV-D welfare program. This lack of eligibility requirements has been used to trap otherwise willing and fit parents, particularly of the middle-class, into partici-

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pating in this program for the purpose of increasing federal reporting numbers. The forced inclusion of the middle-class maximizes the federal block grants being allocated for the operation of each state's Title IV-D welfare program. The Title IV-D welfare model isolates children from an otherwise willing custodian.

The lack of any eligibility requirements for Title IV-D welfare services has caused exponential growth within this welfare program as well as in private “professional” sectors. In fact, an entire industry has evolved from the creation of the federal CSE program, which will be discussed later in this document. This entire private industry generates even more money from involvement in domestic relations disputes—turning a delicate private family matter into a money-maker for both the private and public sectors. The lack of any eligibility requirements gives a huge financial incentive to every state to include middle-class divorcing parents, and to isolate a child from an otherwise willing and fit parent. By including the middle-class, state family courts and associated state agencies have expanded the operation of their Title IV-D welfare programs well beyond needy families. This lack of eligibility has led to the near complete inclusion of the middle-class, which has given a benefit to the state of larger child support awards to be collected from an otherwise willing and fit parent. The result is that children are being isolated from physical contact with a willing parent in lieu of financial gains enjoyed by the other parent, and by the state—all through the issuance of a court order.

The states have resorted to forcing parents involved in domestic relations matters into the welfare system either as wards of the state or as welfare recipients, whether or not either parent has actually willfully abandoned the

child or requires public assistance. After the parents are included into the operating Title IV-D welfare program, one parent is then groomed into a role of non-custodial or forcibly absent parent. A court order is then issued against the now absent parent to pay child support through a state disbursement unit to the other parent who may or may not be equipped financially to run their own household in the first place—despite the other parent’s ability to maintain an intact loving and caring household.

Inclusion of middle-class into Welfare = more federal funding

The exponential inclusion of the middle-class into the state operated Title IV-D Welfare System has facilitated and furthered a perceived need for increased funding from the federal government to the states. Because there is an overwhelming majority of middle-class parents that have child support automatically withheld from their paychecks, there is the appearance of a tremendously successful state run Title IV-D welfare program—and it causes even more federal incentive payments and reimbursement funding to be received by the states.

Even amidst cutbacks by the federal government for entitlement block grants and restrictions on the use of federal incentive dollars as matching funds, the states’ standing remains to gain billions in funding by including more and more of the middle-class in their welfare programs.

To be more specific: We believe that Title IV welfare programs actually encourage the diminishment of parents’ roles in the lives of their children, and that these programs actually provide financial incentives for the breakup of the family—which is incidentally the exact opposite of the purpose of Title IV in reducing family dependence on government and encouraging safe and

stable families.

The consequence of how and why the states receive federal funding is providing financial incentives to the state, its agencies, its human services professionals, and its family courts in general, to create court-ordered child-support paying absentee parents wherever it can, and by whatever means available. The states’ manufacturing of non-custodial parents maximizes incoming federal and state revenue redistribution. Similar to those who were accused of abusing the Title IV-A welfare program, which prompted reform, the states are now modifying their own environment in order to receive more federal money.

Creating non-custodian = more Child Support = more federal funding

Title IV created incentives for the states that were intended to reduce the occurrence of single parent households; however these incentives have caused an exact opposite result. Instead of looking to Congressional intent, one only needs to look at the results.

State family court judges, agencies, and both public and private professionals now have a pecuniary interest in establishing single-parent households in which the majority of a child’s time is limited by court order to be spent with only one parent. There is now a disincentive for a child to be equally placed with both parents where those parents share equal responsibilities while maintaining their own homes and lifestyles. **If the state family courts do not produce an absent or “non-custodial” parent through their orders, the courts would effectively exempt the state (and any associated professional beneficiaries) from receiving the billions of dollars in federal funding which is offered through compliance with federally imposed welfare guidelines.**

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Federal funding: A working perspective

The U.S. taxpayer is solely supporting the middle-class's inclusion in the Title IV-D program because there is no reimbursement to welfare. For Fiscal Year 2006, Congress has appropriated \$4,200,000,000 (4.2 *billion* dollars) from the collection of federal and Social Security taxes solely to fund the operations of federally compliant state IV-D welfare programs. Despite a commonly held public misconception that child support enforcement activities are funded by the people within the system, the fact is that this welfare program is funded with the money that comes from the U.S. taxpayer in the form of federal and Social Security taxes.

The federal funding is based on the reported needs of the multitude of federal and state bureaucracies operating within the IV-D welfare program. The need is further amplified by increasing the number of forced absentee parents being generated from the family courts each year.

In fact, an entire national special interest lobby comprised of judges' associations; national child support enforcement associations (representing both private and public sectors); state bar associations; labor unions representing government employees; social workers associations; and everyone else with a stake in the multi-billion-dollar industry that the Title IV-D welfare program has created, exists solely to ensure that the current annual flow of federal funding into the states continues increasingly and remains uninterrupted.

The U.S. taxpayer is supporting two-thirds of the federal expenditures associated with the inclusion of the middle-class in the operation of the state Title IV-D programs. The remaining one-third of the expenses for the

inclusion of the middle-class is left up to the state and local governments—which again, is paid for with taxpayer money. The bottom line is that the federal, state, and local governments are footing the bill with our tax dollars for the inclusion of the middle-class in the state operated Title IV-D welfare program.

Federal reimbursement funding

Out of the total \$4.2 billion appropriated by Congress for the operation of federally compliant state Title IV-D welfare program, there exists unchecked federal reimbursement funding to the states for the following: 66% of the costs of their Child Support Enforcement (CSE) operational activities (which range all the way down to the activities of each of the states' county prosecutors in domestic relations and paternity cases); 80% of the states' costs related to the improvement of technology as related to CSE activities; and, most recently changed to 66% from 90% for the costs of genetic DNA testing in paternity establishment cases.

Reimbursement funding has no performance standards or requirements, so even the most ill-performing state operated IV-D welfare programs still get federally reimbursed for their lackluster and ineffective operations.

The massive federal funding available to the states have led judicial discretion, government agencies, and professionals to establish that it is now in the "best interests of the child" to limit the child's involvement with one of their own otherwise willing, capable, and available parents.

In essence, the more cases involving Title IV-D welfare services that a court can create, the more operational expenses it will endure, and the more federal funding it will be able to pursue and receive as a reward for undermining a child's involvement with one of their own parents.

Performance based federal incentive funding

Title IV-D also provides performance-based federal incentive funding to the states based on certain criteria that is used to measure the states' performance of certain program functions.

Incentive funding comes from the total funding appropriated by Congress for the operation of the CSE program (\$4.2 billion). The total incentive funding available to the states is a fixed amount per fiscal year. For FY2006, the total available incentive funding is \$458,000,000; and each participating state competes for a share of this total.

Each state competes based on their performance measure of the following criteria:

- The paternity establishment performance level.
- The support order performance level.
- The current payment performance level.
- The arrearage performance level.
- The cost-effectiveness performance level.

Conclusion

As Robert Burns once wrote in *To a Mouse*:

"The best laid schemes o' mice an' men gang aft agley" (which is popularly misquoted as: The best laid plans of mice and men often go astray).

Mr. Burns' concept seems to be applicable to Congress' intentions in Title IV-D as the intentions sound good, but the result actually undermines the stated purpose of Title IV welfare services.

The U.S. taxpayer, including the poor, is currently footing the bill for the inclusion of the middle-class into state operated Title IV-D welfare pro-

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Social Security Act

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grams because of the lack of eligibility requirements in the federally imposed guidelines. In order to strengthen families, and to better meet the goals of Title IV, it is imperative for eligibility requirements to be included in the federal guidelines to the states. Without eligibility requirements, states will continue to have an incentive to limit children's involvement with an otherwise willing, caring, loving, and fit parent.

The states are currently undermining the purpose of Congress' Title IV, which is to keep families together. It's a commonly held belief that the road to Hell is paved with good intentions—Congress' intent may have been well-meaning, but the result has created another welfare abuser... the states. ■

The Social Security Act Title IV

GRANTS TO STATES FOR AID AND SERVICES TO NEEDY FAMILIES WITH CHILDREN AND FOR CHILD-WELFARE SERVICES

Part A - Block Grants to States for Temporary Assistance for Needy Families

Part B - Child and Family Services

Part C - Repealed

Part D - Child Support and Establishment of Paternity

Part E - Federal Payments for Foster Care and Adoption Assistance

www.ssa.gov/OP_Home/ss-act/title04/0400.htm

The state creates Deadbeat Dads

Excerpt from the new book by John Flaherty:

Reason For Revolution: The tyranny against fathers, families and freedom

Previously in the text it has shown that:

1) A non-custodial father needs a minimum take-home pay of some \$517/wk (\$26,904/year) to maintain an apartment/utilities, food, clothing, laundry, car gas, car maintenance and insurance, medical/dental coverage, upkeep of home—exclusive of gifts and entertainment for his children.

2) Non-custodial fathers are taxed at the single-taxpayer rate—a high federal tax rate—in addition to their obligated child support payment, under threat of jail, that takes some ~30% of their gross (pre-tax) income for two children, and

3) A custodial mother receives a lower tax rate, head-of-household, incentive government payments such as earned income credit as well as untaxed child support, which clearly makes divorce a comfortable option.

The text in Chapter 3 picks up here...

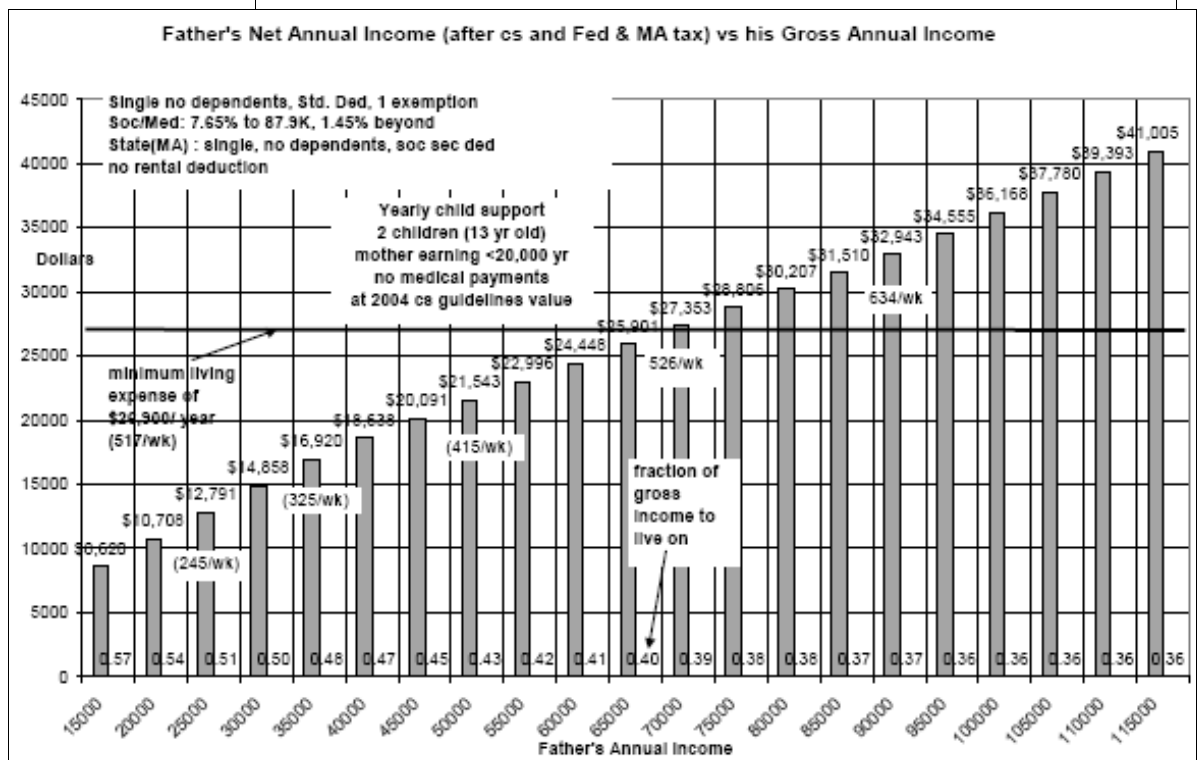
So we are beginning to see the elements of tyranny by which the government onerously burdens and punishes non-custodial fathers both in child extortion payments and taxation on their income.

Governments double whammy against non-custodial parents - Child Support coupled with taxation tyranny

Now let's combine the double whammy of states' child support with the government tax burden upon non-custodial fathers. The net yearly income (after taxes and child support) of a non-custodial father of two children whose custodial mother earns \$20,000 or less per year is shown in the Figure below. We've included the line for minimum living expenses we mentioned above.

This graph clearly illustrates the direct persecution of non-custodial fa-

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The state creates deadbeat dads

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thers. Some comments are necessary:

- I emphasize 'non-custodial' with 'father' because not only are the vast majority of divorced fathers non-custodial, but the few non-custodial mothers are rarely burdened with child support payments. Fathers are targeted to be persecuted under this system.
- I repeat that the net income graphed above implies the maximum net income (minimum child support ordered) for a father in the above circumstance—the most common circumstance. Judges often assign more than the amount stipulated by the Child Support Guideline for fathers no matter what the mother earns. We took a poll at one of our meetings: At least 20% of fathers were ordered to pay above the Guidelines. More on this later.
- You'll notice the fraction of gross income, at the base of each bar in the chart, which the father is left with to support himself and his children when with him.
- The minimum living expense of \$517/week to support him makes it quite clear that a non-custodial father simply cannot begin to support himself under this system until he reaches an income of some \$70,000 per year—no matter what you consider a minimum living expense—at just the Guideline level.

Based on these graphs and the explanatory text, you can see the draconian financial obligations imposed on fathers by the state when it deprives them of their children, in contrast to how the state awards custodial mothers not only the children but additionally rewards them with a windfall of child support and tax benefits to dispose of as she wishes, i.e., with no obligation to use the money for the children.

Considering the above state-imposed obligations on fathers, you can see that it is the state that creates *deadbeat dads*. Fathers simply cannot do the

impossible even when the Guidelines are imposed. When judges impose child support orders greater than the Guidelines, they are clearly condemning fathers to criminal status carrying felony charges. It is no wonder that tens of thousands of fathers have had to go underground or leave the country. Congress passed a law in the mid 1990s to forbid a father from leaving the country if he has an arrearage. The real criminals are the judges who impose such unconstitutional treatment on fit fathers.

On the other side, the financial incentive the state offers women to divorce or have a child out of wedlock is

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enormous, considering the child support and tax benefits, with earned income credit payments, available. The divorce-based, fatherless society that America has developed and is now exporting to the world through feminist-dominated organizations, comes as no surprise.

The conclusion of these analyses is that the non-custodial status puts outrageous financial burdens on fathers both in the tax structure and in the child support structure. Fathers have all obligations and no benefits. Mothers, on the other hand, reap all benefits (parenting children and financial privileges from state and fathers) with no financial obligations punishable by imprisonment. This is anti-law; as well as unconstitutional.

Reason for Revolution is available at www.libertybellunion.org ■

Chairman's Corner

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CPF's strategy takes into consideration the reality of the power structure in Massachusetts, and the functions and capabilities of the various branches of our state government. Basically, we are going to change the law the way it has always been changed throughout the history of the United States. As a special interest group, we are going to approach the people who control the laws and persuade them to enact our legislation.

The first phase of our strategy was CPF's involvement in the shared parenting initiative petition of 2004. We collected signatures, publicized the effort, and were instrumental in its phenomenal success, where 85% of the voters who participated asked for shared parenting in cases of divorce and separation. Next we filed legislation that incorporated the spirit and intent of the petition language. We also filed legislation to reform the unconstitutional 209A restraining order laws. We orchestrated a large presence and testified at the Judiciary Committee hearings on the bills. We testified at the recent series of hearing to update so-called child support guidelines. With these actions, CPF was in effect dotting our "i's" and crossing our "t's". From this point onward, we were no longer playing by their rules.

When F4J, which originated in the United Kingdom, finally began organizing in Massachusetts and New Hampshire, CPF assisted with manpower and direction. F4J, in conjunction with CPF, conducted two successful protests in Boston, in February and June 2005. Future events such as these, but with new and interesting targets, will be important tactical elements of our strategy.

Going forward, CPF strategy will target the people in power—the very individuals who are personally responsible for our servitude and the destruction of our children.

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Bar Wars gets ugly

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quoted in a 1998 article in the *Boston Globe*. "I don't know of any case I've been involved with where Children's Hospital hasn't found abuse," said the former DSS attorney in the article. Newberger commanded great respect in the professional child abuse witchhunt circles, often appearing in the media as one of the leading authorities on the "epidemic" of the sexual abuse of children. Fells Acres redux.

One could not help but feel a deep compassion and overwhelming sympathy for poor Mr. Linnehan, whose life was being destroyed. Barbara Johnson took on his case several years later, as his dogged pursuit of justice and a reunification with the son he loved so dearly continued.

Barbara is accused by the BBO of posting psychological evaluation reports from the Linnehan case on her web site. Barb denies that she has anything protected by confidentially protocols on *falseallegations.com*. At one time she did have two names of youngsters on her web site, when the search tool failed to catch them in jpeg files. But after a complaint she edited them out of the image files. Her standard practice now is to use pseudonyms and can be easily verified by going to the site.

Count II results from a fee dispute brought to the BBO from a client. After the investigation, Barb claims in her pleadings that the BBO determined she did not owe the client any money, and that "there was no evidence of Johnson making false, deceptive, or misleading representations to the [client] about her fees, time, and charges." Nonetheless, Spina has found that Barb was guilty of commingling client funds with her own money, something which attorneys are prohibited by law from doing. Barb denies this, for she had earned the money prior to depositing it into her personal account.

Count III stems from 1995 when

Barb and a client were found in contempt. She was eventually jailed three years later for being in contempt for what she claims was a "non-existent" order. "The judge kept on changing his order, but none was ever a clear and unequivocal order," Barb claims in her pleading.

In the complaint for disbarment, the BBO claimed that Johnson had to be jailed before she would comply with the order (that required her to make a payment)—more evidence of her intractable and inappropriate behavior. Johnson claims that this is patently false, that the judge, Paul McGill, jailed her because she began a response to his question with the word "No." Further, she claims that the court tape that would prove this has been over-written.

Barbara Johnson's one-woman crusade for justice is embodied by the automated quotes that are appended to her emails:

*The judicial system is very broken.
It must be fixed.*

There are four people who can do the job:

Everybody, Somebody, Anybody, and Nobody.

Everybody thinks Somebody will surely do it.

It is a job Anybody can do. But Nobody is doing it.

At least I'm trying. What are you doing?

And perhaps even more telling, this one:

It is dangerous to be right when the government is wrong.

— VOLTAIRE

And lastly, her hopeful quote:

All truth passes through three stages.

First, it is ridiculed.

Second, it is violently opposed.

Third, it is accepted as being self-evident.

— ARTHUR SCHOPENHAUER

Chairman's Corner

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First we will identify the people who constitute this oligarchy. Large donors to the two major parties, the top party operatives, members of the business roundtable in Boston, members of corporate boards, leaders of academia, executives in the banking industry, etc. will go into our database. Wherever possible we will open a personal dialog with them and record their positions on our issues. At the same time we will inform them what we expect from them with the aid of our educational resources.

We will interact with, or challenge, those in power who oppose us at their homes or at their offices, in their churches, in their neighborhoods, in their fraternal organizations, and in their favorite restaurants. Since they make laws and policies which deprive us of our families behind closed doors, we will expose their spouses, grown children, parents, sisters, etc. to the debate. Since they hold their positions of power because of their wealth, we will do whatever we can to threaten their source of wealth. Because they value their prestige in the community, we will destroy that illusion with the truth.

Visible and obvious targets will be selected for the next phase of our strategy. For example, when the Joint Committee on the Judiciary again holds hearings on shared parenting legislation, we could give our testimony to their families, their neighbors and the local newspaper. Our message to these two great men would be: pass CPF shared parenting legislation now; we're not going away until you do.

We will also target obvious insiders such as Robert Kraft, owner of the

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Barbara Johnson, self-styled "Advocate of Court Reform and Attorney at Law," can be reached by email at: barbaracjohnson@worldnet.att.net ■



Chairman's Corner

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New England Patriots. When he finally decided to keep the Patriots in Foxboro, the state cooperated by spending millions of taxpayer dollars on infrastructure improvements. He is a known supporter of the domestic violence industry. The conversion to our

position of someone with the status of Robert Kraft would be a major milestone toward our goal. Simply neutralizing his influence would be a major victory. One Kraft on our side is worth more than a thousand new voters.

We have an inalienable right to petition our government, not the servants of our government. No one in authority can be neutral in the fight to save fatherhood and our children. They hold the fate of our children in their hands. Anyone who condones the destruction of fatherhood is our enemy.

I am counting on the leadership and members of CPF to refine the strategy, implement the tactics, recruit the soldiers, and to take the battle to these very people who make our divorce laws. Our weapons are our ingenuity and determination, the love of our children, and the most powerful force in the universe – the truth. We will expose our leaders to the truth, and force them to accept it. ■

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.



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Call or visit the web site
www.fatherhoodcoalition.org
 for **all** meeting details.



The
 Fatherhood
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