

# Banned Near Boston

More chicanery from the underworld of family law.

by Stephen Baskerville, Ph.D.

Nearly ninety years ago, when divorce liberalization was being advocated by feminists, G.K. Chesterton warned in [\*The Superstition of Divorce\*](#) that undermining the family would imperil civic freedom.

His warning was vindicated recently when Massachusetts family court judge Mary Manzi outlawed a book that criticizes government officials. Manzi herself is sharply criticized in the book but obviously did not recuse herself from the proceeding.

On March 24, Kevin Thompson received an order prohibiting distribution of his book, [\*Exposing the Corruption in the Massachusetts Family Courts\*](#). The court also impounded the records of Thompson's custody case, reinforcing the secrecy in which family courts like to operate.

The standard justification for secret courts is the one Judge Manzi now extends to censorship: "privacy interests of the parties' minor child." Thompson's son has already been forcibly separated from his father, and his life is now under the total control of state officials. What "privacy" does this child have left? Thompson understands that the true reason for the secrecy and censorship is not to protect privacy but to invade it with impunity: "The only interests that are protected are the interests of the racketeers and hypocrites who invade 'family privacy' by removing loving fathers from the lives of their children against their will and without just cause to fill their pockets."

Many people have trouble believing the harrowing tales of human rights abuses now taking place in American family courts and wonder why, if they are true, we do not hear more about it. Perhaps because in many jurisdictions it is a crime to criticize family court judges or otherwise discuss family law cases publicly. In other words, censorship works.

Thompson's case is not isolated. Under the pretext of "family privacy," parents are gagged and arrested for criticizing the courts:

- Alice Tulanowski of New Brunswick, New Jersey, was placed under a gag rule in 2000, though judges and the New Jersey Chapter of the Association of Family and Conciliation Courts were left "free to discuss the intimate details of Alice's case" in public.
- Stanley Rains of Victoria, Texas, in 2001 was gagged "from speaking, writing, or publishing his opinions" about why he was cut off from his daughter for more than two years, according to court documents. The order covers private conversations and discussions with mental health professionals and his minister. Issued with no evidentiary hearing, the order followed an article Rains published in *Fathering Magazine*. He was also prohibited from criticizing a city council candidate who was a divorce lawyer. The order precluded Rains from photographing death threats written on his mother's car.

- The former husband of singer Wynonna Judd was arrested and jailed for talking to reporters about his divorce.
- A California judge shut down the web site of the Committee to Expose Dishonest and Incompetent Attorneys and Judges in 2001.
- In 2005, Texas Attorney General Greg Abbott formally asked a federal court to punish Charles Edward Lincoln, for criticizing the state's family courts. Abbott termed the criticism, which consisted in filing some court papers, "bloodless terrorism."

Outright censorship is only the start, since judges usually prefer more subtle methods for stopping the mouths of their critics. Thompson is also being forced to pay the attorneys who advocated the book ban. This practice has the marvelous double effect of providing booty for the judge's cronies and justifying incarceration of critics who cannot pay the instant "debt." Following his criticism of the family courts in testimony to Congress, Jim Wagner of the Georgia Council for Children's Rights was stripped of custody of his two children and ordered to pay \$6,000 in fees of attorneys he had not hired. He was soon after arrested for nonpayment.

Censorship of speech and press is only the tip of the iceberg and serves to cloak even more serious constitutional and human rights violations. Writing in the *Rutgers Law Review*, David Heliak recently revealed the "due process fiasco" of family law. Calling family courts "an area of law mired in intellectual dishonesty and injustice," Heliak identifies six major denials of due process by which courts seize children and railroad innocent parents into jail: denial of trial by jury, denial of poor defendants to free counsel, denial of right to take depositions, lack of evidentiary hearings, lack of notice, and improper standard of proof. In family law, "the burden of proof may be shifted to the defendant," according to a handbook for local officials published by the National Conference of State Legislatures. Dean Roscoe Pound writes that "the powers of the Star Chamber were a trifle in comparison with those of our juvenile court and courts of domestic relations."

In fact, even this only scratches the surface. One can run point-by-point down the Bill of Rights and other constitutional protections, and there is hardly a clause that is not routinely ignored or violated in family law, where practices include mass incarcerations without trial, summary expropriations, presumption of guilt, coerced confessions, *ex post facto* provisions, bills of attainder, and more. Family courts and their hangers-on are by far the greatest violators of constitutional rights in America today.

Journalists of both the left and right studiously ignore these violations, as do "human rights" groups, even when shown undeniable evidence. It will be interesting to see if they can ignore censorship that touches their own profession.

For his part, Thompson says he intends to ignore the censorship. "Everything that I am doing right now is for my son," he declares. "I will not be shut up."

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