

Unfinished Divorces

by Francis Baumli, Ph.D.

Are divorces caused by lack of love or lack of respect? The answer can be seen in a government study indicating that 75% of all divorces are caused by financial stress. Finances have little to do with love, but are, for many of us, the essence of respect.

But no matter how much or little respect you and your spouse share in your marriage, you can bet that every bitter divorce starts with a lack of respect, and ends with the real contempt of one spouse for the other. Which, of course, is exactly why marriages can be ended easily but, for some of us, divorce just goes on and on – waiting for that former spouse to finally show us the respect we believed we deserved.

Anyone who's subscribed to the AntiShyster for long has probably read one of my diatribes about my 1984 divorce and how its associated injustice drove me half nuts (temporarily, of course) and laid the foundation for this publication and all that's flowed from it. So I won't do that dance again – at least here.

But even now, fourteen years after the fact, I'm still learning to understand what happened. After reading the previous article ("Should Schools Teach Values"), I realize for the first time that the foundation for the grief, rage, and hatred that flowed from my divorce was the court's refusal to respect me as a decent man and a good father. That infuriating disrespect cost me several

years of depression and ultimately reversed my attitude toward government from something benign to something distrustful, adversarial, perhaps even paranoid.

And so, I can relate to this article by Dr. Baumli – another divorce court casualty in the process of trying to "understand" why he was assaulted. But when I read Dr. Baumli's story, I can't help but laugh. It's one thing for the divorce courts to enrage a post-alcoholic roofer like me. But Dr. Baumli has a Ph.D. in psychology! Get it? He knows how to deal with "negative emotions," depression, rage and the impotence we call "hate". He's a shrink, and yet, the divorce courts are even driving him nuts! Now, that's funny!

I don't mean any disrespect for Dr. Baumli, and I certainly don't trivialize his pain. But I feel like a guy who's been standing all alone in a septic tank with the poo up to my lower lip. I don't much like my predicament, but I've steeled myself to endure it. And then one day I look around, and there's Dr. Baumli, not only standing in the same tank with the poo is up to his nose – but he's even trying to swim! The damn fool doesn't understand his predicament – he still thinks this legal system is a swimming pool filled with nice clean water! Call me "sick-o" if you like, but I can't help laughing.

However, after a while, I stop laughing and get angry. As a former

drunk, roofer and college dropout, I had some self-esteem problems that predisposed me to accept the court's injustice and disrespect. But as you'll read, Dr. Baumli seemingly had it all: Ph.D., intact second family, legal custody of his daughter, even the law was on his side – and the system still beat him. Seeing even Dr. Baumli gutted by the divorce courts only confirms that I wasn't a "loser" in my divorce, I was a victim. My children were victims. Even my ex-wife (who ostensibly "won" our divorce battle) was a victim of the biggest extortion racket in the Western World – the U.S. judicial system.

And that makes me mad. It's one thing for a huge "system" to inadvertently step on and crush a few of the weak and less nimble who can't adequately defend themselves or get out of the way. But when the system even crushes the strong, you begin to see that no defense – not even righteousness – is possible. Faced with that reality, there's little alternative but to surrender the false "beliefs" you've been taught ("the best legal system in the world"?), flush the crippling contradictions from your mind, and begin to believe your own eyes rather than the CBS Evening News.

That's why I find Dr. Baumli's article both amusing and instructive. It's not the story of a divorce or custody battle. It's the story of a man who, for the first time in his life, is being forced

to see the truth about the courts and his own education. He is in the midst of the painful process of exchanging his dependence on the pleasant beliefs that come with TV and Voters Registration for a wary reliance on his own perception. He's just beginning to see that all the talents, positive attitudes and credentials that he once relied on to provide him with respect are flimsy and more likely to attract assailants than provide his defense.

And although Dr. Baumli doesn't say so in this article, I suspect that his anger is based on the court's failure to pay him any respect. If so, this is important because 1) this story supports the conclusions regarding respect in the previous article ("Should Schools Teach Values?"); and 2) even though Dr. Baumli has a Ph.D. in psychology and is highly educated in the causes for the kind of mental distress he's experiencing, his article does not once reference the term "respect". This implies that the entire profession of psychology may be ignorant of the "natural law" of concerning respect and the psychological and social consequences that follow disobeying that "law". If any of this is true, how can we explain psychologists who don't understand the fundamental psychological law behind the Golden Rule?

According to the previous article ("Should Schools Teach Values?"), life's primary "value" is our determination to protect ourselves and our families. If so, any government that tampers with families guarantees to enrage its citizens. No decent government can provoke that kind of rage in its own people and still survive.

Dr. Baumli not only secured a Ph.D. in psychology, he even raised his daughter from age two to fifteen, primarily on his own. These are not small accomplishments. They indicate that Dr. Baumli may be characterized by remarkable measures of personal responsibility and determination. Dr. Baumli's story implies that he's dedicated his life to books, reason, and diligent effort to become a man whose attitudes, accomplishments and credentials were "guaranteed" to earn a measure of public respect.

But since his divorce, Dr. Baumli appears haunted by the possibility that, instead of dedicating himself to being reasonable, responsible and "respectable," he should've learned the martial arts and arrogance necessary to kill government officials. Dr. Baumli still has his second wife and young son, so like most of us, he'll probably never engage in anything more violent than a philosophical distrust of government. And, as stated in the Declaration of Independence, that's normal: ". . . all experience hath shown, that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed."

But are these "evils" still sufferable? Government's institutionalized contempt for justice, unalienable rights, and the American people's dignity is creating a body politic where millions of decent people begin to ask why someone, anyone, doesn't follow Shakespeare's advice about lawyers. Dr. Baumli is an excellent example:

When I was divorced in 1977, my wife received custody of our two-year old daughter. But she chose not to keep our daughter and left her in my care. A few months later, I went back to court and obtained uncontested custody, which I retained for the next 13 years.

My former wife rarely exercised her visitation rights, with the ironic (albeit predictable) consequence that my daughter began to idealize her absent mother. To deny the grief caused by the fact that her mother had never cared about her, my daughter chose to believe all her mother's excuses and lies that explained why she didn't visit more often. Thus, when my daughter, at age 15, went to visit her mother in Florida, she decided that she was old enough to choose to live with her mother, and she refused to return home. She, in effect, placed herself on her mother's doorstep, hoping to force her into taking care of her.

I spent thousands of dollars over

the next few weeks purchasing various legal maneuvers, and since The Uniform Child Custody and Jurisdiction Act (UCCJA) was on my side, I finally succeeded in getting my daughter back. But then my former wife pressed for custody, motivated by the hope that she would receive large sums of child support. The result: Despite spending more than \$20,000, despite putting a thousand hours of my own time into preparing for that trial, despite utilizing the services of five experienced domestic-relations attorneys, despite the fact that I am remarried and have an intact home with a six-year old son, and despite the fact that I was fully confident I would win – I lost.

Divorce stories are like nightmares. They are horrible to the person experiencing them, but the details are usually boring to others. So I will not bore with details.

But I believe it would be valuable to relate a few of the more general things I learned during those several months and that three-day trial. My advice might save other men in similar situations a lot of money. It might save

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some heartache. At the very least it might keep a divorcing man from nursing false hopes about the kind of relationship he can hope to have with his children.

The main thing I learned is that despite all the work done by the men's liberation movement over the last twenty years the many prejudices against fathers remain. In any divorce or custody proceeding the father is guilty from the beginning – guilty of anything the mother alleges and everything the judge suspects. I had thought that with my history of being a dependable parent, my experience in the men's rights movement, and my legal acumen, that I could overcome those prejudices.

Quite the contrary. My history as a good parent caused the judge to state, in no uncertain terms, that he thought I had failed to be a productive citizen since I had not played out the male role as fully as most men do. As for my involvement in the men's liberation movement, this was the main cause of my undoing. The men's rights book I had edited, *Men Freeing Men*, was brought forth as evidence of how unconventional and deviant I am. As for my legal expertise – the judge found this threatening, and was visibly irritated when I worked closely with my attorney in the courtroom. As a result I now suspect that any man going into court as a seasoned father's rights activist will likely discover that his "credentials" actually put him at a disadvantage.

The second lesson learned (or rather, relearned) is that feminists are not the only enemies of fatherhood. An enemy just as great is male chivalry -- men's attempts at winning women's approval by idealizing them, coming to their rescue, or trying to give them anything they want. I encountered such chivalry in the judge who heard my case. He extended it toward my daughter, my former wife, the female attorney who represented my former wife, and my daughter's attorney – a court-appointed, female *guardian ad litem*.

At the same time, I encountered

the chauvinism toward women which always goes hand-in-hand with chivalry. My attorney, also female, was young, attractive, hard working, and brilliant. The judge was a dull-witted, unsophisticated man in his late forties who had obtained his position because of his father's money and political connections. He seemed intimidated by this pretty, brilliant woman, and responded by openly deriding her in the courtroom, sneering at her, sometimes yelling at her. When she fought back, he took the attitude that she was being a bitch. When she did not fight back, he took the attitude that she was a dumb blonde. His chivalry did not extend to a woman who seemed threatening.

So there it was . . . sexism toward me as a male simply because – as an actively involved parent, I appeared too unconventional – and sexism toward my female attorney because she was an intelligent woman. As happens not infrequently, an issue in men's liberation found company with an issue in women's liberation.

There also was blatant classism in this judge. He was wealthy, from a pseudo-aristocratic family, and he took the view that my world is decidedly inferior to his given that I am interested in art and spend my days working as a writer and editor. The moment that judge began discovering the particulars of my personality – my artistic interests, my work as a writer, my academic credentials, my interests in philosophy – the opposing attorneys sniffed out his prejudices and proceeded to build their case upon these prejudices. They assassinated my character, derided me as a male, and joined the judge in sneering at my attorney.

What should one conclude from all this? Men's liberation has changed very little in the legal system. It still is the case that in the eyes of most judges a man is nothing more than a species of vermin the moment he enters a courtroom. Can he use his time in court to convince the judge otherwise? Probably not.

I dealt with several attorneys during the months before trial, and a third lesson learned is that attor-

neys treat you, their client, exactly like they treat the opposition. If your attorney is sleazy, dishonest, and aggressive toward your enemy, he or she will probably be sleazy and aggressive toward you. I have seen it happen many times: The more sleazy the attorney, the more likely you are to win your case, i.e., defeat your enemy. But in the end you will feel defeated too, because throughout the case your sleazy attorney will be driving you crazy by bullying you, making false promises, and indulging in that one trait attorneys are best at: procrastination. And in the end the sleazy attorney will not be through with the case until he has screwed you financially. (Of course, the question here arises: How do you find a nonsleazy lawyer? I don't know, but I'm still looking.)

A fourth lesson learned – or rather, mulled over – is this: When the odds are so decisively stacked against a man simply on the basis of gender, why bother fighting the battle? I could come up with only two reasons. One is the very small chance that he will win. So if you are a man and you want to play against the odds, go ahead – it's your money to burn and your soul to waste. (Don't be deceived by the statistic that 10 percent of men get custody of their children. Most of these men had custody handed to them because of uncaring mothers. And those who did win custody because of the outcome of a court battle often got it in name only, i.e., they were given legal custody, which entailed financial responsibilities, but were not given physical custody. Furthermore, don't be deceived by the fact that men, on appeal, win custody as often as 50 percent of the time. These men are usually wealthy, and their pleas would never have been accepted by the appellate court in the first place if they had not possessed a meritorious case, i.e., a good chance of winning.)

The second small reason for fighting a custody battle is to more or less cleanse yourself. This way, if harm comes to your child(ren), you will know that you did your best to prevent it. I had thought I would win that court

battle; but even had I expected to lose, I still would have fought it. This way, if my daughter were to get molested or raped by her stepfather, or if she were killed in a car wreck because of a lack of parental supervision, I would not have to blame myself. Or, if someday her life were in a shambles because she went to live in an unfit environment at the age of 16, then I would never have to believe that her unhappy life is my fault because I sat by passively and let it happen.

But if a father hasn't the financial resources, or the emotional stamina, to go through with such a fight, or if he simply cannot bring himself to fight a losing battle, then he should not feel bad about his choice. We as a nation constitute but 6 percent of the world's population, yet we have 70 percent of the world's lawyers. Maybe we'd all be better off if we simply refused to fight those court battles and let the lawyers starve. Maybe then they'd stop being lawyers. (A nation without lawyers? It puts one in mind of heaven.)

I learned a lot from that trial. I learned that when there are children involved, a man never really succeeds in divorcing his wife. This trial was just one more of many attempts at trying to thoroughly divorce my first wife. I now realize that there will be further unsuccessful attempts occasioned by life's events – my daughter's college, her marriage, grandchildren which my ex-wife and I might share. And always, always, that ex-wife will be there, with malice in every motive, and monetary gain as her primary agenda.

Going through this trial helped me understand an important facet of American politics. Everyone in government seems to want the kind of power which the executive branch has. Members of Congress would certainly like such power, considering how powerless they feel themselves to be. This point was driven home back during the Vietnam War when Mike Mansfield, then Majority Leader of the Senate, upon being asked on national television why he did not do anything to stop the war, replied indignantly, "Me? I'm just a Senator!"

As for our judges, they supposedly do no more than interpret the law. At the county level, the sheriff is the executor of the judge's rulings; at higher levels, state or federal police officers act as executors of judges' dictates. Thus, while our chief executives are relatively all-powerful, and legislators are relatively powerless, judges occupy a position somewhere in between. Although they supposedly have no executive power since they must depend on other people who are executors to carry out their mandates, they actually, in this arrangement, possess and direct considerable executive power.

Thus, our judges, while they have less power than our highest executive officers, nevertheless – because they direct and utilize the services of sheriff and police officers – have considerably more power than legislators do. But, like all officials with power, they lust for more; and, at every opportunity, they grasp and use more power by pretending to abide by the law while actually handing down whatever judgement suits their whim, then using the police to enforce it. In so doing they forsake

their duties as judges and instead behave very like member' of our executive (i.e., dictatorial) branch of government. This likely is why Supreme Court nominees receive such a grueling examination at the hands of Congress and the press. Once appointed these judges have tremendous power. Hence, before giving them confirmation, Congress and the press, who resent this power, give these justices one last lesson in morality and accountability before they go on to occupy an echelon of government where they are virtually beyond reprimand or recall.

Do I exaggerate in thus describing the power of judges? At one point, when working with my courtroom attorney, she described to me an appalling decision made by a judge in a recent domestic matter. "But can a judge do that?" I asked her.

"A judge can do anything he wants," she replied, then added, "and your only recourse is to appeal."

"To another judge — who can do anything he wants," was my rejoinder, to which she nodded grimly.

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One nagging question remains unanswered. I understand why there are so many lawyers. We think we need them, so we hire them, we pay them, and they are very adept at creating a chaotic world which no one believes can function without lawyers. But why are there so many judges? What I mean is, how do they manage to stay *alive*?

I *hate* the judge who took my daughter from me. I *hate* those two attorneys who spent three days in court slandering my name. I *hate* my ex-wife. And I don't know what to feel toward my daughter.

But meanwhile I have a good marriage, a six-year-old son with my second wife, and I want to get on with my life. Basically I am a peaceful man. So . . . as much as I hate that judge, I will leave him alone.

But there are men out there, some I have known, who would not let a judge off so easily. These men are good with guns, hot with their tempers, long on revenge, and short on mercy. If a judge did to them what that judge did to me, they would kill him.

A fellow who lives in a rural county, north of where I used to live, had quite a reputation as a survivalist. He had a family, and he lived off the land by poaching wild game and selling the meat. He was deadly accurate with a gun or a bow, and no one – I mean *no one* – messed with him. I came into contact with this fellow when, working as a psychologist, I gave testimony on behalf of his son who was a plaintiff in a lawsuit. The survivalist talked to me freely about his “work.” Asked if he was afraid of the law, he answered simply, “If a game warden or the sheriff tries to arrest me for poaching, they’ll end up in the same lime pits where I throw the deer guts I’ve poached. If the prosecutor, or a judge, tells the sheriff to go after me, then some morning that prosecutor or judge will go to his front door to get the mail, and ‘*thwock!*’ He’ll see my arrow in his heart before he dies.”

When you heard this fellow talk, you believed him. So did the local law officials. They left him alone.

I’ve thought about this guy a great deal since losing that trial. If it had been

him, instead of me, there would be one less judge. Of that, I’m sure. And I’m sure there are a lot more men like him. Which makes me wonder why there are not fewer judges. Fewer lawyers. And a lot less misery being experienced by divorced fathers.

But maybe it is time to stop wondering. Of late there has been a rash of courtroom killings across the country. Desperate fathers, cornered and beaten, crazed with pain and grief, pull a gun. Judges, lawyers, ex-wives die. Sometimes the father takes his own life too.

Maybe the revolution has finally begun. Too bad it couldn’t have happened peacefully.

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If wondering whether we should (figuratively) “kill all the lawyers” sounds unbalanced, read that headline on page 53 of the March 12, 1998 Business Week magazine: “Chamber of Commerce Battle Cry: Kill All The Lawyers”. Even the stodgy ol’ Chamber of Commerce is up in arms. According to that article, pollster Frank I. Luntz has advised Republican candidates for the 1998 election that, “it’s almost impossible to go too far when it comes to demonizing lawyers.”

Apparently, it never crossed the lawyers’ collective mind that there’s a limit to the number of people they can rob. As a result, victims of judicial abuse like Dr. Baumli and myself are no longer radical extremists. We are now so numerous, we comprise a significant national voting block that will be systematically wooed by candidates in the 1998 election.

Further, although the ideas and attitudes in the AntiShyster are sometimes presented with a directness some regard as radical, these ideas and attitudes are shared by at least a plurality of Americans, and perhaps a majority. I’m almost embarrassed to admit it, but it seems that the AntiShyster has become (almost) “mainstream”. What a world, hmm?

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