

REALITY QUEST

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CHAPTER NINE

WHAT COLOR IS THAT DRESS?

There has always existed a controversy among legal administrators as to whether or not the testimony of a child can be believed as actual fact, the imagination of the child, or the manipulation of an adult.

When considering whether or not a young girl could competently give testimony in a case before him, a judge pointed to a woman in the courtroom who was wearing a blue dress. The judge directed his question to the eight year old girl sitting on the witness stand, "What color is that dress?" he asked. Hesitantly, the girl responded, "Blue." "What if I told you that the dress is not a blue color, but more of a red?" he questioned poignantly. "Well, maybe it could be red," answered the little girl. "I am a judge," he continued, "I have on this black robe which says I'm a judge. I sit behind this bench and can send people to jail for lying. I say the dress is red."

"What color is that dress?" the judge asked again, pointing to the same blue dress. "Red," answered the little girl.

The judge in this case disqualified the testimony of the child, and that situation led many to doubt the validity of the testimonies of young children.

The following is an excerpt from my *Reality Quest*, volume one, issue XX:

McCARTHYISM OF THE 90'S

In the middle of the 20th century, a political attitude arose called McCarthyism. This attitude, which was first attributed to Joseph R. McCarthy, a republican politician, was one in which accusations were made publicly against another individual, mostly politicians, with no evidence to back up the accusation made. The attitude caused a lot of unwarranted heartache and hatred.

Child abuse is the McCarthyism of the 90's. During the last decade, the reporting of child abuse has reached epidemic proportions. Like McCarthyism, child abuse allegations have ruined families, careers, and the lives of thousands. There is no doubt that child abuse exists. But what constitutes child abuse?

My father would beat the living day lights out of me and my brothers when we were younger, but we never cried child abuse. Our beatings were caused by the short temper of a father due to the financial stress of trying to provide for a big family, (there were twelve children,) and the obnoxiousness of a child. The last time my father hit me was when I was seventeen years old. He put me up against the wall and hit me in the face with his fist. Though I didn't like the beating, I knew I deserved a reprimand, but it never once occurred to me that my father abused me. To me, my father was a pretty good father with a short temper.

If I were a teenager of the 90's, I could have shot my dad for hitting me, then sued his estate for damages. A 90's teenager who doesn't want to listen to Dad and Mom can simply report child abuse to the police and move in to a more liberal foster home while Dad or Mom goes to jail.

Accusations of child abuse have risen largely due to the rise of divorce and the custody battles which ensue. Any parent can cry child abuse to attempt to sway the court to side with them in their pursuit of custody. Even a child who wants to live with the non-custodial parent will lie, deceive, and manipulate to get what they want. This usually happens when the child is prompted to do so by another adult who will gain from the child's lie. I speak from personal and devastating experience.

I was given custody of Brittany and Joshua when Paula Blades Ladenburg and I divorced in 1986. Paula had a nervous breakdown and gave me the children. She saw the children very few times during the year that I was single. I told her repeatedly that when I remarried, she would be denied visitation rights if she tried to turn the children against me.

During the time that I was a single parent, Paula moved back to Salt Lake City, Utah. I desperately wanted us to get back together. I even gave her custody of Brittany for a while in an attempt to lure her back to me. After about two weeks, she returned Brittany to me and told me that Brittany was better off with me and her little brother. I begged Paula to please come back to me and make our family work. She refused. I soon found Jackie Stoll whom I married.

The day of my wedding to Jackie, Paula called me and said, *"This is the worse day of my life, knowing that my children have another mother."* I told her I had given her every opportunity, but she had refused. I refused to let her see the kids after I married Jackie until the kids got a little older and could understand the divorce situation better.

I kept the kids from Paula for about 3 years. I finally realized I was wrong and drove to Montana where Paula was living with her new husband, Carl Ladenburg, and her new daughter, Alyssa. I met with them both in their home and told them I was sorry for keeping the kids from them, but that I was scared that they would confuse the children by ridiculing the lifestyle which I had chosen for my family to live. They assured me that they would respect our beliefs and lifestyle. They were glad that they could now visit the children.

I soon moved to Montana so that the children could be closer to their natural mother. I bought some land, and Paula and I arranged a visitation schedule. Well, it wasn't long before Brittany and Joshua would come back from their visitations with Paula and Carl ridiculing our lifestyle. Brittany wanted to go live with Paula. I told her she could do so when she was twelve years old, if that is what she wanted. Things got progressively worse after only two visitation times. I wrote Paula a letter in which I outlined what I believed her relationship with the children should be for their sake. This letter made her very upset.

Behind my back, Paula and Carl were devising a plan to take the children away. They picked them up for a scheduled visitation while I was at work. Later that day, Carl came back where we were living, handed Jackie a note, and hurried off. The note said they were taking the children and *"...no one would know where we are at."* Jackie panicked, ran and got the neighbors, and a car chase ensued. The chase ended with Paula and Carl facing custodial interference charges. To exonerate themselves, they claimed they were only running with the kids for the kid's sake. They told the police, at the obvious promptings of their attorney, that while eating with the kids at a fast food restaurant, Joshua and Brittany began to tell them of abuse which Jackie and I had inflicted upon them. This is how the scenario played:

After the Ladenburgs had been stopped, about twenty miles from the Idaho border, the police took the situation down to their headquarters. Jackie was there for about an hour before I showed up from work. When I got there, I demanded that kidnapping charges be filed against the Ladenburgs. The officer interviewing Jackie and me told me it would have been easier to make the charges stick, if we had allowed the Ladenburgs to cross the Idaho border. He said that custodial interference charges would be considered, but that the Ladenburgs had contacted their attorney who was on his way over.

We sat there for another hour before an officer came into the room where we were and said, "Oh, boy! There's going to be abuse charges filed." My brain went a hundred miles an hour as I figured out what was happening. I stood up and said, "If you charge us with child abuse and don't go and take our other two children (Brandon and Caleb) from these "abusive" parents, I'll sue the hell out of this state." The officer got a pretty serious look on her face and told us to hold on, that she would go consult with her supervisor and the District Attorney.

Another hour went by before a Department of Family Services lady came in with other officers and told us that the reason why they didn't have to take the other children out of the home, was because Jackie was the one who was abusive to Brittany and Joshua who weren't her natural children. At that time I knew we were getting railroaded, -big-time!

I played the game, let them put Brittany and Joshua in foster care, and the next day took Joshua and fled the state.

Obviously, Paula and Carl had enough money to *buy* the right attorney and judge to allow such a miscarriage of justice to take place. We had no money to *buy* an attorney, nor were we given the opportunity to consult with one.

Now, the Sheriff's department who handled the case, the Department of Family Services, the County Attorney, Paula and Carl, and all involved in this miscarriage of justice had to cover their butts. So how could they? They had to have just cause to take the kids in the first place. Their cause: child abuse.

The following are excerpts from the actual police reports:

Ravalli County Sheriff's Department, Hamilton, Montana

Date of investigation: 6/13/91

Type of investigation: Child Custody/Child Abuse

"Both children state that their father is really mean and angry most of the time. Both of them state that they feel their father hates them, and, again, Brittany states that her father tells them that he hates them on occasion.

They live in a 30 foot converted school bus. All of them have their own beds, but they all sleep in the same room. One strange reaction that I noted in Brittany was that when we were talking about where they slept she stated in the same room, she began saying that sometimes Chris and Jackie kiss and that really upsets her. When Brittany stated this, she began crying, and again said that it really bothers her when Chris and Jackie (kiss), and when I attempted to clarify why the kissing made her upset, it was obvious that she did not want to expound on why this upset her, and only cried harder, therefore we did not push her as to why this was so upsetting.

Brittany stated that in the converted school bus, there is a bathroom with a shower, but there is no door on it, and this appeared to upset her a little, also. She did say that there was a curtain that could be hung up over the opening for what little privacy the curtain can afford.

Brittany states that her father does not believe that girls should wear pants and that boys should wear robes, and that all clothing should be homemade and plain. Joshua stated that if they wanted a pillow to sleep on in their beds, that they have to gather feathers from the chickens and sew their own pillow and stuff it with the feathers they have collected, and went on to say that he didn't even know how to work the sewing machine, but stated that he knew how to hand sew.

Both children expressed fear of having to go back with Chris and Jackie because they state they will be punished severely. Several times while talking with these kids, they began crying and stated that they did not want to be with their father and Jackie anymore, and both expressed a desire to live with their natural mother.

We asked the children what kinds of things are said about Chris and Jackie when they are with Paula and Carl, and both stated that Paula and Carl try to say nice things about them around them. When asked the same question about Chris and Jackie, they state that both Chris and Jackie tell them that Paula and Carl are wicked.

Brittany states that Jackie never says she loves them, and it is Brittany's belief that she enjoys hitting them. Brittany began crying again, stating that she is scared to death of Jackie, further stating that Jackie calls them stupid and dumb. Joshua added that they don't get hugs very often, and that neither Chris or Jackie will read them bedtime stories, adding that Jackie tells them that they can read themselves. Even though Joshua is only 5 years old, he can read, according to Brittany. She states that Paula had a video tape of Joshua reading.

We asked about fun things at Chris and Jackie's house, and the children state that sometimes they play games, such as some kinds of card games, but that most of the time, they are busy with home schooling or accomplishing the chores they are directed to do. Also, when they are told it is time for them to go to bed, if they do not get ready for bed and get into bed fast enough, Chris tells them that he hates them.

The children told us of spankings that both Jackie and Chris Nemelka gave them, stating that they were spanked on their bare bottoms with belts, sticks, and hands. Brittany stated that on many occasions there were marks left on their bodies from these spankings, and she recalls seeing marks on Joshua, as well as having marks on her bottom as well. When we asked her to describe the marks, she stated that there was sometimes welts, and there was bruising, however, she also stated that the marks would fade away after a few days and eventually would go away so they could not be seen at all. Brittany stated that Jackie spansks with the belt doubled over, and that Jackie is very angry with them when she spansks them.

In addition to being spanked with a belt, stick, or hand, they are slapped across the mouth, and, again, Brittany stated that red marks are sometimes visible on their faces in the mouth area after being slapped across the mouth. Brittany also stated that she was lifted by the neck on one occasion. When asked to describe how this was done, and to demonstrate by using a teddy bear, it appears as though which ever parent did this, and I did not ask her which one it was, stood behind her and put both hands around from the back of the head and lifted her in a quick upward motion.

We asked the children what they did for fun at their house, and they stated that sometimes they got to watch Sesame Street, but that was only on rare occasions. Brittany stated that in order to earn the privilege of watching Sesame Street, they had to have been quiet, have had to have kept their mouth shut and not made any noise, and have to have all their work done.

We asked what happens when they are with Paula and Carl and they misbehave, and both children stated that Paula and Carl talk to them about whatever they have done, and after they talk to them, they give them a hug. They have never been spanked when they are with Paula and Carl.

When I first read the Sheriff's reports, I cried. I couldn't believe my little Brittany could say such things. Jackie was devastated. I soon realized, however, that the reports were manipulated to justify the actions of the individuals involved. I still wondered how Brittany could give them the slightest indication that any of the absurdities in the report took place. Anyone who knows me as a father, knows I am very kind and hardly ever spank, if at all, my children. I am known for my bedtime stories which in Brittany and Joshua's case, were told almost every night. Jackie is one of the kindest women one could know.

Yes, they did an investigation into the charge of abuse, and dropped the charge immediately. There is not any person alive that can claim that they ever saw me or Jackie abuse Brittany and Joshua. (See appendix ? for a few personal references of some who know us.)

When I took Joshua from the Department of Family Services, one of the first things he told Jackie and me was, "I hate Brittany!" When I asked him why, he said, "Because she lies about you and Mom (Jackie)." This led me to believe that Brittany did in fact make up some of what was said so that she could go live with Paula.

I do not blame Brittany, who was only seven years old at the time. I blame a corrupt justice system and a vindictive ex-wife who would cause such misery to another human being by manipulating a small child.

My case is not unique, but very common in the 90's. Anyone who believes that a child doesn't lie, either doesn't have any kids, or is blind and deaf. Children are selfish individuals who will say what they have to and act like they must in order to get what they want. The last time I spoke to Carl Ladenburg, he accused me of teaching Brittany to lie, because he states, "She lies so much to me and Paula." When I asked Brittany about this, she told me that all she had to do was cry and claim that, "You don't love me," and she would get anything she wants from Paula and Carl.

Brittany will know someday what she has caused. At the time children accuse a parent of abuse, they do not fully understand the complications that such claims could have for their parent. However, it is the paid attorneys and therapists who are responsible for the problems of McCarthyism of the 90's.

I chose not to fight the situation in court and eventually gave up trying to save my rights as a father to my children. Paula and Carl have to look at themselves in the mirror each day and live with themselves. They also have to live with two children who love their father and want to see him. Of course, when the children question as to why they can't see me, they are told that a judge decided that I am not a good father and that they should be Ladenburgs instead of Nemelkas. (I hope someday they can explain this to my other children who know their father for who he really is.) The only reason why the Ladenburgs don't want the children to see me, is because they know the children will long to be back with their father; and Carl also realizes that his "fatherly image" would be destroyed when Brittany and Joshua come to know their real father.

I do not agree with physically abusive punishment for children. However, I believe a little spank on the butt never hurt any obnoxious child who learns from no other way. I wonder why we should treat our children any differently than we should other people. Perhaps it is the way we punish our children which determines how they treat others in their adult life. I tend to disagree with this conclusion, however, because of my own experiences with my father. My dad punished with physical beatings, however, very few- I don't think any- of my brothers and sisters punish their children the way our parents punished us. It seems that we learned from experience instead of being taught by it.

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