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April 3, 2009

Letter to Editor – Regarding article on April 2nd, “Debtor: Circuit judge freed woman”
The Birmingham News

“Debtors Prison is Alive...in America”

My sympathy goes out to the mother who has been apparently separated from her children and, due to unemployment caused by incarceration, unable to pay legal fees. Concern for the children should be enough to draw sympathy from the courts but, as I’ve come to realize firsthand, an institution can be dispassionate in such matters – even under the title of justice and such notions as “innocent until proven guilty”...

Specifically regarding the comments of Wallace: “There’s no such thing as debtor’s prison”, my letter is to inform the readership that there is...in America, prison for those who cannot or have not paid child support. Before you *jump to conclusions*, read on...

Non-custodial parents – mostly men – are subjected to debtor’s prison because they have not or will not pay child support...and are in arrears. Publicly portrayed as “Deadbeat Dads”, most of these men have endured some level of loss through the bias and policy of divorce courts: most men entering a courtroom (for divorce) are the defendants and, historically, will be reduced to a non-custodial (if children are involved, of course); debtor’s prison puts them in a Catch-22 where employment is interrupted by incarceration and so on.

The tragedy of losing your right to be parent can be crushing – as men are parents too. Your rights are lost – not because of any risk to your children – but because of the bias and policy of the courts that regulates your visitation and strips any authority in your children’s lives. It is a tragedy of which I am personally aware...as is my children. Consider that suicide among men is at least seven times greater in post-divorce...

No-fault divorce has been the impetus for the surge of the divorce rate in America and, while divorce rates are down (most recently applied to economic conditions), the marriage rate is also in decline. Some say that marriage is a dying institution; others say that divorce is by far the most significant threat to marriage as an institution. I believe both to be true.

Speaking of institutions, our courts systems are fundamentally responsible (for this surge...). Besides No-fault divorce, Child Support enforcement is another federally subsidized system that imputes the non-custodial – stripped of their right to be a parent – to financial obligations that are often untenable for reasons beyond their control. The bias and policy of the so-called system of justice has perpetuated divorce (and the demise of the family) through unfair scales and a blindfold lifted for the desires of the one over the needs of the many. To end a marriage for convenience is hardly cause for the costs born by the children; yet, No-fault divorce carries the day...with Child Support *waiting in the wings* as a profit center for the state. One institution is destroying the other institution and the backbone of a free Democracy...

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Some readers may benefit from this system – and for good reason – as it provides for their children’s financial needs in post-divorce. The problem is that the “system” has also caused a surge in divorce and, from a social perspective, has brought great distress on children...separated from the fathers and other family. The children may be financially supported; but socially, they (the children) are deprived of the basic need for a father in their lives. To learn more of this system – and its consequences – read Stephen Baskerville’s book, *Taken into Custody*. “Dead-beat Dads” are more often beaten-up than dead-beat and, in keeping with the changes in social perspective – are among the ranks of the broader debasing of masculinity and fatherhood.

As far as the possibility of corruption in the court institution, I can attest firsthand that the courts cater to those who have the financial means to purchase justice – which is why so many men of color represent the prison and jail population. William Pitt, in a speech to the UK House of Lords in 1770, said: "Unlimited power is apt to corrupt the minds of those who possess it." It’s no secret that the halls of justice are unjust...

I have experienced an arrest without evidence (“no information” and, most recently, have lost my job (and ability to pay my child support) because of it. I could offer the readers much more – based on reading and personal accounts – that the court system operates on the basis that “the end” – which is to prosecute – “justifies the means”... In my case involving “no information” or evidence, a chief concern was that the courts (or prosecution) would “manufacture” the evidence. If the reader finds this possibility inconceivable than you fail to understand the *long and powerful arm* of authority that effectively does what it wants to do – especially to those who do not have the means (or power) to challenge them.

I am not in any way learned in the court system; but my presupposition of justice has been gravely disappointed in a system that has little to do with justice – or attention to the truth. Remember that “the end” – which is to prosecute – “justifies the means”. Would the courts leverage the participation of your own children to testify in court in the matter of a plea bargain (or in lieu of a trial)? Of course they would...

During my last stay in jail (in Florida), the local paper reported the re-election of one of the local judges; and on her victory, she declared: “I’m just glad to have a job.” On reading the article, my new presupposition was confirmed: court systems can be summed-up as **3-R’s** (Re-elections, Retainers, and Retirement) – while justice and truth remain as illusive as “innocent until proven guilty” or “burden of proof”.

Courts systems comprise people and, in the final analysis, people are chiefly concerned about themselves...without regard for children, parents, and families. Both No-fault divorce and the Child Support system are products of the legal community – and both systems have created much gain (profit) for this community to the destruction and detriment of the American family.

On conclusion of my last case, a representative of this system reminded me not “to contact my children (text messaging, etc.). As with the article in the local paper, I thought about his statement: this type of instruction is what most parents are giving their own children (or should be) on the guidelines or rules of socializing, etc. I (and my children) have the unfortunate circumstance of having “the state” as a nanny – and what a terrible state it is...

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Although a movie script, a statement of Benjamin Martin in *The Patriot* (played/directed by Mel Gibson) comes to mind in this matter (or crisis). Before the state congress, he says: “A legislature can crush a man’s rights just as easily as a king can...”

Wallace, Benjamin is right!

“His children are far from safety, crushed in court without a defender...”

- The Book of Job, chapter 5.

To learn more of this alienated father, you may visit: www.hkirkrainer.org