

ONE MORE HUMAN RIGHTS TRAGEDY IN THE AMERICAN LEGAL SYSTEM

By Attorney David Grossack

Imagine being sentenced to prison for eight years. In the outside world you leave behind a son, who is now being completely estranged from you. His mother is out of the picture, and the state has succeeded in bringing a case against you declaring that your rights as a parent are being terminated.

Nathan LeBaron is finding out first hand what the horror is like. Currently he is confined in Shirley, Massachusetts, trying to reverse a suspect statutory rape conviction. His appellate attorney is confident that there were constitutional flaws in the process that convicted him, and, frankly, meeting Nathan one does not believe him capable of the act.

Nathan LeBaron is from a well-known family belonging to a historically persecuted religious minority. His parents were fundamentalist Mormons, who believe that having multiple wives is a sacred obligation, and that the Book of Mormon is the testimony of the appearance of Jesus on this continent. Nathan's being born into their family was a reason his parental rights were attacked.

What is especially suspicious about the process that terminated Nathaniel LeBaron's parental rights with his son Caleb is how the State of Washing inserted religion into it. The children of the convicts that are sentenced for long stretches are often in many forms of limbo. However, the issue of whether certain rights to family autonomy and substantive due process rights such as the right of prisoners to the socialization and companionship of one's children are unresolved.

But when religious bigotry is added to the equation, it gets really ugly. Religious minorities, and their interaction with the state is often a scary topic, as any student of history can tell you.

The expert witness who testified against Nathan during termination proceedings only met Nathan one time for about an hour. "Cult therapy" was ordered by a state court, and another expert opined Nathan brainwashed Caleb with a "dangerous dichotomous religion" involving God and the devil. More psychological opinions were developed in the context of court-ordered "cult therapy." Other experts indicated Nathan does not suffer any personality disorders, but that there was a "cult bias" problem in the case. These experts were not called as witnesses at trial to defend Nathan and Caleb.

Now that Nathan has been smeared with the "cult" label and has had his parental rights removed, Caleb is growing up unable to enjoy whatever relationship could be afforded with his father. Caleb repeatedly asks, "Can't I just go and see him at the jail? Will you ask the judge?" And, "When is my dad going to be released?" Caleb remembers his dad as "playable" and "nice" and says he will always love his dad. He says he is sad, he misses his dad, and that he wants to meet him and give him a present

Psychological reports continue to indicate that Caleb suffers serious unresolved grief and is still quite upset over the lack of any contact with his father.

Even though the American Psychological Association already condemned the particular tests employed against Nathan because they exaggerate psychopathology, Nathan's parental rights have nevertheless been terminated based on this expert testimony. A state court ordered "cult therapy," and, based on a therapist's recommendation, Nathan was even ordered not to date, marry, or form a family as a standing order for several years. The state then also removed Caleb from the custody of Nathan's entire family based on the same cult hysteria. Nathan's sister was accused of brainwashing Caleb with "a skewed and unhealthy view of religion." She is a mainstream Mormon, while Nathan is non-denominational.

If family friends or relatives want to bring Caleb to Massachusetts to visit his father, no legal standing exists to facilitate this unless the new custodial parents agree.

When Nathan gets out, unless this termination of parental rights is reversed, he will have no legal rights to resume his parenting of Caleb.

The fact that the State of Washington used Nathan's parents' religion to facilitate this is an outrage.

This kind of religious discrimination, when it results in the break up of families, is nothing less than a human rights crime, made illegal by United Nations Convention on the Prevention and Punishment of Genocide. The state of Texas learned that from an Appeals Court when they messed with polygamous families, fairly recently, that due process is still the law of the land.

Caleb has never given up, and he continues to cry out to have his father, Nathan LeBaron, back in his life.

I am asking human rights organizations to investigate the matter of Caleb LeBaron, a.k.a. Caleb Buckingham. Human Rights Watch, the American Civil Liberties Union, Amnesty International and the United Nation's Human Rights Commission must take note of this case and do something!

I am asking you, the reader, to make a call to Governor Chris Gregoire of Washington at 360-902-4111 and ask her to investigate the case, and to circulate this story far and wide.

All that is needed for evil to succeed is for good people to do nothing.

Do something.

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