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LIVE FREE OR DIE

CHAPTER 2

MY STORY

Claire O'Brien worked as a bookkeeper at the Western Auto store in Lynn, Massachusetts. Lynn is located fifteen miles north of Boston perched on some cliffs high above the Atlantic Ocean. The store sat on Monument Square across from City Hall next to the local newspaper office.

In August 1945 everyone was edgy. World War Two had started in 1939. The United States had joined the war in December 1941 after the surprise attack at Pearl Harbor by Japan. The first year of the war had been a disaster. The Philippines Wake and Guam all fell to Japan. Any American ship found west of Hawaii was sent to the bottom. The German Army had a reputation for being invincible on land. Japan's Navy now got the same reputation on the oceans. The first year of the war had brought nothing but bad news to America's home front. Just defeats by radio and newspaper and death notices by telegram. But that would change by the end of 1942. The American Army landed in North Africa for their first of many bloody battles with the Germans. The Americans and the British would defeat the Germans in North Africa, then Sicily and then invade Italy and

France. The news of defeats would be replaced by news of victories. But the death notices from the War or Navy Departments kept coming. The last year had been bad. Over 80,000 Americans killed and wounded just in last Christmas' Battle of the Bulge. Everyone knew someone who had been killed in the war. Some neighborhoods seem to have lost a son in every other family. Finally, the American Army linked up with the Soviets in May of 1945. The Germans surrendered. The blood letting in Europe was over.

The American offensive in the Pacific would start in August 1942 on an island called Guadalcanal. The Marines invaded just as the Japanese finished the airstrip. For six months the Americans and Japanese would fight over that island north of Australia. The American Navy would arrive, drop off reinforcements and supplies, and depart by sundown. The Japanese Navy would come in the dark, re-supply the Japanese Army, and then shell the Marines on the way home. The Americans would finally prevail in early 1943.

The Americans began an island hopping campaign in the Pacific. Invade an island, set up an airfield, and then invade the next island on the way to Japan. In 1945 the American grabbed the last two islands before Japan proper-Okinawa and Iwo Jima. The Japanese defenders of those two islands knew they were the last defense before the home islands. The were determined to make the Americans pay dearly. The Japanese were successful. The invasion cost the Americans over 25% of their forces killed. The Pentagon applied that casualty percentage to what they need to invade Japan. The planners estimated that an invasion would kill about one million American servicemen. The Pentagon never released that estimate during the war. But everyone on the home front knew that the invasion of Japan would be bad. More telegrams for every neighborhood.

Then in the first week of August something unusual would happen. Two Army Air Corp bombers left an island in the Pacific for a bombing run over Japan. Their first target was covered by overcast. They lingered for a while to see if a break in the clouds would appear. No such luck. So they flew on to their secondary target. About 10 miles from the target the second bomber peeled off. It carried no bombs. It was full of movie cameras and scientific instruments to record what was to happen. The first bomber opened its bomb bay doors. As it reached the city center a single, odd shaped bomb slid out headed for Japan. At 3000 feet it detonated with a blinding flash of 10,000 suns. The pressure it created knocked down office buildings. Heat was so hot that it incinerated people so completely that all that remained was their shadow. For miles in all directions everything was destroyed and the fires would feast for days. In thirty seconds the city of Hiroshima Japan was completely destroyed with a single bomb.

Word reached the United States as soon as the planes were safely back at base. An atomic bomb? Just one to destroy a whole city? It didn't make sense. Maybe the War Department is tricking the Japanese. But the next days' newspaper would carry a picture of the bombing. A picture of a tall cloud. Looked like a mushroom. So it was true. Maybe we wouldn't have to invade after all.

For days the people in the states waited from words from Japan. Nothing. On the third day a second bomb was dropped over Nagasaki. Thirty seconds later the city and its inhabitants ceased to exist. In the following day's late edition of the newspaper was another picture of a mushroom cloud. Surely the war was now over. The Japanese could not stand up to these new bombs. Then they waited for word from Japan. Nothing.

For days the people lived with an edgy nervousness of hope and fear. The elation that the war had to be over swung to fear that more bombs would be needed and then back to certainty that the war must be over. No one could make any plans. No one knew if it was over or not. Many plainly refused to believe it was over. They worried that their actions might some how jinx it if it was really over.

It would be the early afternoon as the old man made his way along the square. He wore a threadbare suit with a modest tie. He used a cane. He had had a heart attack back in ‘44. His right leg sometime was numb, other times pins and needles. He had been an accountant before the heart attack. The doctor told him no more work. He ignored that piece of advice. But now the numbers sometimes got jumbled up in his head. He finally retired himself. He lived with his daughter and her husband. He tried to keep busy yet the days were long. But today he was on the way to Western Auto to pick up a thermostat for his son in law‘s car.

He walked in front of the newspaper office with the store just across the street. He stopped at the front window to read the paper that was pinned up to a cork board resting in a cradle inside. One of the managers was changing the newspaper. Too early for the evening edition. Must be a special as he decided to wait. The newspaperman replaced the cork board and nodded to him.

He began to read. The color drained from his face. His body began twitching. His breathing escalated. His eyes darted around in panic. He focus on the front door to the Western Auto and pushed off. He hurried across the side street without look. A car horn tooted. He waved and scrambled on. He got to the wooden and glass door and pushed with a strength he didn’t know he still possessed. He found himself on the door landing three stairs above the sales floor.

“Hey,’ he hollered. The customers and the salesmen looked up from the glass and wood counters.

“The war’s over!,” he exclaimed

Silence. They just looked at him.

What do they think I’m crazy, he said to himself. What did the doctor tell his daughter when they thought he wasn’t listening? Dementia?

He raised his cane and pointed to where he had been. His arm started shaking violently. Some were sure the glass in the door would certainly break. His face twisted into something ugly and mean. And then he yelled in a voice loud enough to be heard on the second floor.

“It’s in the paper!”

“Oh my God,” a woman said as she hastily took off to see for herself. She touched the old man on the way out the door. He could see the tears beginning in her eyes. Everyone else followed. Some of the women touch the old man on the way out, one even kissed him. Some of the men shook his hand. Good boys, he thought to himself. Especially the salesmen wearing the ties.

They would come to the glass window to see it printed in black and white. Now it was official. The war was over. Four years of pain, misery and uncertainty. The tension had been carried by most people for almost as long. Everyone knew at least a half dozen boys who had been killed in the war. Everyone had at least one relative serving somewhere with the military. When the Western Union delivery boy went to a home with a telegram everyone held their breath. Would it be from the War or Navy Department? Did someone's son, brother or father now have a date of death to go with his date of birth?

Suddenly, it was all over. The rationing of meat, shoes and gasoline. The inability to get a rubber car tire, even with a rationing coupon. One had to hope for an accident or blown engine to get used tire. You simply could not drive car on three wheels. So the women would mingle at Monument Square. Some were crying. The men

would mingle. Some of them would pass flat whiskey bottles wrapped in brown paper bags. At the Western Auto store most of the employees drifted out into the crowd. Finally, the store manager let the rest go and locked the doors. Claire had left earlier.

As the afternoon drifted into evening someone started a small fire. Another would bring some more wood to keep it going. Workers at a factory around the corner brought wooden pallets. Shopkeepers brought wooden shipping boxes. Children joined the effort and scrounged wood. They heaved it on the fire, admired their handy work and then ran looking for more wood. A rotted porch railing was removed and added to the fire. With the war over there was no longer any excuse not to replaced it.

It would become oddly quiet as the bonfire burned. Perhaps it was because the blackout would finally be ending. Lynn was a coastal city sitting high above the North Atlantic north of Boston. In an effort to thwart the German submarines no light was permitted from any building. For years when a resident ventured out a night, they usually hoped for some light from the moon. Perhaps the bonfire was a signal like the Roman Legions used to help lost soldiers find their way home. More likely it was just the mystery a fire brings to human beings. The heat and the light against the darkness of night mesmerizes people in a primordial way.

As Claire looked around she noticed one of the store's managers. He would be easy to spot even at that distance. At six feet four he was at least six inches taller than everyone else. His name was Warren Ball. He was from Worcester and had managed to get a college education during the Depression. He loved people and his easy laugh usually brought the same response from whoever had his attention. He noticed Claire, gave one of his quick laughs, and then got distracted by someone nearby. Tall, dark and hansom, Claire thought to herself. The Hollywood type. And he knew how to make a girl laugh. As she stood there clutching her purse a broad smile swept across her face. And then Claire said to herself, "I need to bring Jane by the store sometime."

5

Jane was a nurse in Boston. She had grown up with Claire on the North Shore. After the three year nursing program at a local hospital, she headed into Boston to work a one of the big hospitals. She was working the third shift at Mass General in November 1942 when there was a fire at a local dance club called the Coconut Grove. The fire would kill 495 people. Jane and her fellow nurses would have hundreds of wounded to tend. It would be good training. It was still early in the war. In the coming years the Army and the Navy would flood the civilian hospitals with the war wounded that survived the trip home from the battlefields. So now she would nurse men her age horribly disfigured by war along with the aged at the end of their lives and children that illness took too early in life

Jane was not her real name. No one seemed to be able to pronounce Callista Llewellyn. She was a deeply religious woman. She never debated the tenets of her religion. God and heaven was as real to her as Cary Grant and Boston. It was enough to know what days she needed to get to Mass. She would pray for her patients. She would pray for her brothers. Dick was a weatherman with the air corps in the Pacific. Don was a medic that rode through the frozen Argonne during the Battle of the Bulge. Now both would be coming home in one piece. How could one doubt the power of prayer.

. Claire finally coaxed Jane to the store in Monument Square. Claire was right, Warren and Jane hit it right off. They got married Thanksgiving Day 1946. She wore a white, satin wedding dress. He wore a suit. The wedding pictures are amusing. Being a gentleman, Warren would bend every joint in his body to bring his six foot four body down to her five foot one. Thus they would have both of their faces in the wedding pictures.

They would set up house in Lynn. Then three children arrived in quick succession. There would be a three year break, a move to central Massachusetts and then three move children would arrive. It was a small house, but everyone's house at that time was small. I was the first of the three children to be born in that town. In the pecking order of the family, I was known as the oldest of the youngest.

It was a splendid time in America. Money was easy. Our parents, who had lived through the Depression and World War II, now owned their own home. Books and movies told us how righteous our cause had been during the war. The Beach Boys sang songs that made you want to go to California and go surfing. The Beatles sang songs that made you want to kiss girls. When you got old enough to drive a car, you could throw in $2. worth of gas on a Friday, drive all weekend and still have some left on Monday night. And always there was this energy pulsating through society. Somewhere, something good was going on. You could not stay at home. You might miss something.

But there would also be a dark side as well. The Korean War was a meat grinder that ended up in a stale mate. The Soviets terrorized us first with Sputnik in space and then with nuclear missiles in Cuba. President Kennedy would be assassinated. His brother Bobby would suffer the same fate five years later. Even the nonviolent Martin Luther King would die in a sniper's crosshair. Drugs would be the Baby Boom's generation answer to our parents generation and their booze. The Vietnam war would transform the American Army from the liberators of the Nazis to the oppressors of the Vietnamese. It seemed that we went from a noble, righteous people to incompetent bumblers in the blink of an eye.

This darkness would come into American's homes as well. My parents separated when I was four. We six kids would see Dad Sunday afternoons and one school night of the week. This would continue until I was eleven. Then heart disease would take him one quiet night in April. The only thing Ma ever told me about their breakup was that he spent too much money on booze. She came from a generation where some things were simply not talked about. The break down of your marriage was one of those thing. Twenty years later she asked me to drive her to a wake. On the way she confided that she hoped one of Dad's brothers was going to be there. She wanted to know what her late husband would have looked like at this age. I laughed. Ma was still in love with the tall guy from the Western Auto on Monument Square.

The Vietnam War would intruded into our home as well. First Ritchie and then Donnie did multiple tours over there. And like during World War II with her brothers, Ma prayed for her children. She did not even need to change the names. Her first two boys were named after her brothers. Donnie got a purple heart. Both of them came home in one piece. Both of them wondered what the hell had happened. I would enter the Army at the tail end of the war. But I would not get any closer to Saigon than Texas.

Karen, the woman that was to be my wife, would have little first hand knowledge of the Vietnam War. She was seven years old when the cease fire went into effect in January 1973. Saigon would fall to the North Vietnamese tanks two years later. Suddenly, Americans had no noble cause to live for regardless of what side of the issue you stood. The struggle would now be replaced with narcissism. Protests songs where replaced with disco, marijuana with cocaine and obligation with a Wall Street like greed. After Vietnam, the government looked like a loser that that could not be trusted. The economy was pounded twice by oil price increases. People turned inward for a spouse, a house to call home and a front door to close on the outside world. The immense numbers of children born after the Second World War would bid up house prices while depressing wages during the 1980's. We would not see the thirty year career with one employer that our father's had in either a suit or the green work clothes of the shop floor. Even pensions would evolve into a do-it-yourself kit called the 401k. One

had to be greedy if they did not want to get left out. Thus the money makers would become the new heroes.

Her parents met at the university overlooking the city of Syracuse, New York. Warren Primiano was working on a masters in counseling and social work He had an easy manner that made one look forward to seeing him. He called Rhode Island and New York City home. He would meet Judy Farrell, an undergrad with a talent with the painting oils or the sculptor's clay. She grew up in a small town of pastures and orchards fifty miles to the east of Syracuse. They would date, fall in love and marry. During the Kennedy presidency, they would settle outside of Boston, MA.

Their marriage would come apart like so many other things during the late 1960's. After the divorce Judy would teach art at a public high school. During her free time at school she would head for the furnace room to smoke a cigarette. She would meet a fellow smoker from the math department. He had been a sailor forced ashore to tend to his two children. He could be stern and disciplined as befitting a ship's officer. His remoteness would remind you of your father's generation of men. She enjoyed his company and felt safe with him. They would be married at a justice of the peace in Maine in the summertime. No family members from either side attended the private ceremony. At the time there was still uncertainty as to whether second marriages were to be celebrated or bemoaned.

They would purchase a large, carpenter gothic house at the end of the Boston subway system. He brought two small children, she three. He was to be called Dad, she was to be called Mom. They were a real life Brady Bunch before television invented them. It appears be successful. Sometimes the feeling is us-against-them. Other times it is all of us against the world. They may not be of the same blood and DNA, but the memories, experiences and values have bonded them together. They are family now.

Karen was the youngest of all the children from both sides. She would have a childhood of both excitement and misery strung together with periods of boredom much just like the rest of us. She is not afraid of hard work. She has a good brain and a social disposition. Sometimes there is even a touch of that Boston tough-girl sass. You could not help but like her.

We met in an education class on the edge of Umass Amherst. The teaching of reading had split into two camps at time. Phonetics taught the student to translate words into sounds. At UMass, whole language was the rage. Whole language advocates said meaning, not sound, was needed to be taught. Oddly, most of the student body felt the debate was foolish. It was like asking you what you needed to have a full life, your arms or your legs? You sort of need both.

Karen and I had an education class that the professor required joint work from his class. It was unclear whether this was needed for the class material or would this be another team building skill. Karen and I paired off together. She had a boyfriend in Dublin, Ireland. She spent some of her free time in Amherst being a companion with an elderly man as he groped his way to his life's end. I was dating a fellow graduate student. Both of us thought the other one was off the mating market. We would accomplish our class' joint tasks together, enjoy each other's company and went our separate ways at the end of the school semester. I would not see her again for another year.

Mike's West View Cafe sat on the northern edge of Amherst overlooking the valley's fields to the north and west. It had been someone's single story house at one time. The booths on the left side trailed the bar as it ran away from the road and curved right to wrap around the kitchen/backroom. An addition past the end of the bar provided room for two pool tables, pinball machines and more booths. The walls were knotty pine with fraternity

and former student's names carved into the wood for prosperity sake. All were welcome at Mike's whether student or townie. All would usually try Mike's. The beer was cold, the music was forgettable, and the staff could be friendly or indifferent as needed.

I would be parked at the end of the bar that overlooked the pool tables one night late May. The school year was ending soon and many would be leaving the valley for the last time. In September a fresh group of kids would move in to replace the ones graduating. I had decided to leave the bar after the tall neck I was finishing. Suddenly, she was standing next to me. I had not seen her come into Mike's. "I know you," she said. I laughed. Not at her words, but at the impish smile the words came from.

She was due to move home to the Boston area in two weeks. She would miss that. She would spend the summer days working at an apartment complex. On the side she and I would paint apartments. I would go in during the day and cut the trim with a paint brush. She would arrive at night with a roller and finish the place. Saturday nights would see our apartment full of friends drinking whiskey and beer. By 2 am it would be time for a swim in the complex's swimming pool. I could talk to her about anything. She could make me laugh. I was in love.

We would spend another year in Amherst. We moved to Syracuse, New York for no other reason other than we liked the look of the town. We would move into an apartment just off of downtown in the old Polish section. The landlords Rob and Lynn lived downstairs. I had warned Karen about getting too tight with them. Rob had warned Lynn about the same thing. Karen and Lynn would ignore us and become fast friends. Rob and I ended up buddies as well. We four would spend many hours together drink beer, eating buffalo wings, and watching the Buffalo Bills play some real good football. Karen and I would marry during that time. The commute to her church south of Boston was six hours one way. That would be the major drawback to living in Syracuse. It was three hours from anywhere.

We would eventually move to the Albany area. We lived in a sea captain's house along the Hudson River before moving up to the ridgeline by the hospital in Troy. It was a brick Victorian. It was snug. I would spend time turning down the heat not to save money but because it was just too hot in the house. Across the street, higher up on the ridge line lived the movers and shakers of the city of Troy. Down the ridge below us lived the crack dealers. We lived peacefully between the two extremes for years without any concerns. Then a girl showed up on our sidewalk. She was cute yet plain. Her clothes were carefully chosen, girl next door but sexy. I had no idea what she was doing on our block. I mention her to Karen.

"She's a hooker," Karen replied.

That made sense. We lived on the main road that ran north along the ridgeline. The traffic count would please any businessman, licit or illicit. She lived in a transitional group home on the back end of the block down the slope headed for the crack dealers. So her work commute was easy enough. But I was not interested in having a hooker working the sidewalk in front of our home. Particularly now that Karen was pregnant with our first child. But I did not worry. The movers and shakers lived here. A school committee member living across the street would take notice of the girl on the sidewalk. Within two weeks the Troy Police would raid the transitional home. More residents would be arrested. The building's owner would be charged with running an immoral house. The electrical power would be cut. The city water would be shut off. Workers from the Department of Public Works would screw in plywood over every window and door. The crack heads would be served notice that they were not permitted up this high in the city.

I relied on a friend's advice for the birth of our first child. He knew my wife was pregnant. His wife had three. All three required a minimum of two days to arrive. So over coffee in white, Styrofoam cups at the garage we worked the rookie father-to-be listened as the old hand offered some friendly advice. When she says it's time, roll over and go back to sleep. It isn't going to happen in an hour.

Karen and I would crawl into bed one Friday night. Around midnight, the light came on with a shake on me. Her water broke. She was excited. She would soon be meeting this little one who had been punching and kicking her for months from the safety of the womb. Soon they would see each other nosed to nose. Karen got out of bed and headed for the telephone. Shaquanna was the birthing coach for the natural, Brady Method of child birth that Karen had chosen. Her mom and her sister would also be called. I listened as the calls started. I remembered by friend's advice. I rolled onto my stomach and pushed the pillow away. And I promptly went back to sleep. But I would make one concession to the importance of the occasion. I left the bedroom light on.

My friend would be right. For days caster oil would be taken to help the labor. We would walk the same sidewalk the hooker had the months before in the warm weather. Only a long, wool overcoat would cover the red checked bathrobe to ward off the November wind coming across the Hudson River.. The hospital would admit and then discharge Karen a couple of times. She simply was not close to the 10 centimeter dilation needed for childbirth. The water had not broken. It would be a high water leak.

Finally, the following Friday night at 6 pm, Sara Jane finally got to meet her mother from the outside. Karen was exhausted. Nothing had gone as envisioned. A week's worth of labor had drained her. She held Sara for awhile, quietly promising Sara punishment into her 30's for such the hoop-de-do on her arrival. Then they both headed off to separate recovery rooms.

Karen would stay home for Sara's first eight or nine months. We both thought it was best. Karen's sister Lisa lived in Germany. She had stayed home with both of her two children. Over there, the stay home spouse collects 60% of their salary to stay home with newborns for the first two years. The money would end after two years but the spouse's job was guaranteed for another three years. Money was tight with Karen staying home. But we were okay. But the mental punishment of staying home with a baby did take its toll. By the time Karen picked up a part time job nights she was exhausted. It was like giving birth again.

With Karen gone, bedtime fell to me. I had done my share of putting her down at night. She would stand in her crib, take her pacifier out of her mouth, reach out over her crib and drop it on the floor. Which was a bit of a problem. There was no way she was going to sleep without the paci firmly stuck in her mouth. So you would reach down, stick the paci in your mouth to clean whatever the rug might have contaminated, and then stick in the heir's mouth. Sometimes this game would end at one drop; other times twenty minutes would go by without let up. There was no early warning signs on how that night would go.

Sara needed someone in the room to fall asleep. The wall with her crib also nestled a futon bent into a couch. After a book and songs, she would lie down in her crib as her parent sat or reclined on the futon. Any movement from the futon would bring a raised head from the crib. Any effort to leave the room through the tall, wood stained door would be met with screams.

We would visit Karen's grandmother outside of Utica 90 miles to our west with Sara. Gertrude was wrinkled and raspy by the time I first met her. There was no physical reminder that she had once been a Flapper and had

danced her way through Prohibition. She still enjoyed a cigarette and a drink occasionally. She had married Karen's grandfather and moved to Cambridge with him as he attended Harvard Law School. They had moved to Utica New York after school thinking they would not be there more than a year or two. She had lived in the Utica area for close to 70 years when I met her. Her name would change with the birth of Sara. A new generation of Farrell girls had arrived. Karen's mother Judy was now Grammy. Gertrude would now be known as Big Grammy.

We would sit on the couch of Big Grammy's upstairs carriage house apartment. The couch was old style, from the 60's or 70's in some sort of earth tone. But it was comfortable. You and your fellow traveler would sink down into the cushions. Not only was it physically relaxing, a certain intimacy came with the seat. The outside world and its problems would seem so far away. It was tough not to enjoy Big Grammy when you were invited to sit with her on her couch.

I was parked with her when I told her of the bedtime routine with Sara. I did not mind a short nap on the futon. But some nights other chores beckoned. And I wondered at what age this would pass; four years, kindergarten, third grade? We had all known others who had carried baby behavior into elementary school age. Some would still wet their pants. Others still sucked their thumb. Now our first born was headed down this road. As new parents, we did not know how to stop it. We worried that by not stopping it we would somehow condemn our child to a miserable life. But Sara was not even two years old. Panic had not set in with us. Yet.

"Let her cry, " Gertrude said with a cigarette in one hand and the ashtray under her chin in the other. "It'll be over in a night or two."

So one night I got home from the garage at the regular time. Karen was already for her night at work. Sara and I sat down to dinner. The bedtime ritual would also be the same. Only at the end Dad decided to say goodnight and walked out of the room, and closed Sara's bedroom door. The screaming started immediately. And being a healthy tike with fine lungs, it would continue for hours. I stayed in the kitchen with my doubts. Occasionally, I would go to the bedroom door and say kindly but forcefully, "Good NIGHT Sara." That would just increase her volume. Finally, after two hours the noise from her room stopped. I did not dare open the door to look. I did not to wake her to start again. I was too rattled.

The following night Karen again headed for work. Sara went down and Dad left the room. The screaming started. Twenty minutes later it drifted into a sob or two and then quiet prevailed. The third night Sara's revolt lasted two minutes. Then she was quiet. It was over. The toddler would sleep when it was time to sleep. And she would sleep alone. My fears of baby behavior in fourth grade faded. Looked like we were actually picking up this child rearing thing.

The week after Sara turned three, her sister Melissa would arrive in the normal way. I was in awe of the women from Karen's side of the family. Whenever a baby was born they would come by to see the newest member of the family. The would cradle the new girl on the block and coo happily about all their immortality entrusted to this small baby. Inevitably, they would speculate as to who the newest member of the family would look like. The new Grammy, Karen's mother Judy, had called Sara perfectly on Sara's first day on earth. She looked at the newborn in her arms and stated with certainty that Sara would look like her mother with a few minor modifications. I would glance at my daughter and not see any of it. When Grammy's predictions came true I would wonder if I would ever pick up this skill or would it remain in the province of the sex that would deliver these babies to mankind.

Melissa birth at St. Peter's in Albany would be different for me. Her face was bruised from the forceps the doctor needed to help her the last eight inches. Melissa had a pudgy face, perfect lips and narrow slits for eyes. The eyes would remain closed most of the time her first few days on earth. She must have been weary from her long trip to get here. So when she did open her eyes, they showed exhaustion and indifference. There would also show one other thing. The two eyes did not focus together. One eye would look straight, the other off to the side. It would not change regardless of where she looked. It is called a cast. The first time I saw it I laughed.

I did not laugh because she looked funny. I laughed from pure joy. My mother, Melissa's grandmother had an eye cast. That nurse Jane who had stopped by her friend Claire's store at Monument Square. I had spent a childhood looking into my mother's eyes and wondering which eye to focus on. Grandma Jane would die almost two years before Melissa was born. It was then I learned that she had been blind in one eye her entire life. Ma was not one to complain in life. Now one of her granddaughters had eyes that made her son laugh with memories of her. The cast would straighten out in weeks. And her dad would state with certainly that this baby would look like his mother.

Melissa would be less than two years old in 1998. We had relocated from the Albany area to a sleepy New Hampshire town of Hillsboro. Both our families were scattered from Connecticut to Maine. It was easy to stay in touch with family when we were childless. But once the kids arrived, it was clear that being physically closer to family was needed. From Hillsboro we were not more than and hour and a half from anyone in either family.

It was summertime when I took Melissa to her room for her afternoon nap. After changing her diaper, she began crying. Melissa either did not want to take a nap or was so exhausted that she needed a nap. She stood in her plastic coated diaper looking at her daddy and cried. I looked at her blues eyes filled with big tears. She did end up looking like her Grandma Jane. Then a revelation came to me. I was seeing something exactly as Nana had seen with her daughter Jane in 1920 or 1921. A woman once told me that her children were her immortality. I now knew what she meant. I now agreed with what she had said. Nana, Jane, Melissa and I had connected across eighty years. It brought a smile to daddy's face. Melissa would fall asleep in her daddy's grateful arms.

We would be living in Hillsboro when Kevin arrived. The hospital in Peterborough twenty miles to the south had water birthing rooms. It sounded good to me, though with Karen actually giving birth we would do as she preferred. It was a country hospital with a well heeled population in town. The hospital was well stocked and well staffed. The rural views out the hospital windows were not even disturbed by the hospital parking lots. It was completely different than downtown Albany. It was something out of a Mother Jones magazine.

When it came time for Kevin's arrival, we head south to the hospital. We were originally put in an examine room at the beginning of the maternity ward. The nurses, then the doctor, examined Karen. Then we sat in the examine room. Apparently not only were the three rooms with birthing tubs full but so were the rest of regular non-water rooms on the maternity ward. So we camped out in the examine room until a regular birthing room opened up. The closest we got to a tub was during the tour organized months before Kevin's birth. But both mother and son were healthy. And both of his sisters were excited about having a baby in the house. Karen and I agreed that Kevin would be the end of the children. As we drove north with the new baby there was no thought of birthing tubs. They would not be needed in our future.

Three things were to come to past in the next few months. The first is we bought a house in Jaffrey just south of the hospital that Kevin was born. It is a small, old mill town whose river ran north to Hillsboro before joining the Merrimac near Concord. It was not as wealthy as Peterborough. We assumed it would not be as stuffy, just regular people who get up every day and head to work. At night they would return home for supper, bath and

regular people who get up every day and head to work. At night they would return home for supper, bath and bedtimes. The schools were decent and the streets safe. On the west side sat Mt. Monadnock of which the entire southwest area of New Hampshire would be named. It seemed that Karen and I had moved every two years since we met eleven years earlier. Perhaps as homeowners we would stay here a little longer.

The second was Grammy, Karen's mother, was now battling cancer. It had started as skin cancer years earlier. Perhaps all those summer at the beach in Maine. Now it was attacking her various systems. She and her husband had both retired to the beach in southern Maine. But extended stays in the hospitals of Boston were starting to be the norm. She came to take care of the baby while Karen packed up the house. I would come home for lunch and see her on the couch with Kevin parked in her arms. I would ask her if she wanted me to take him. She would look up with her tortoise eyeglasses and a bandana covering what remained of her hair and shakes her head no. It is as if she knew that this would be the last baby she would hold in her life. And she would have every minute with him that she could. Kevin would be a low maintenance baby and toddler. When I entered his bedroom in the morning, he was generally already awake. He would lie there peacefully and greet you with a smile. This complacency might be inherent. Maybe it is astrological. Or perhaps it was all those summer hours lying in his Grammy’s warm lap. Kevin would have little memory of Grammy. But his easy disposition might have been her inheritance to him.

15

The final event would happen that winter. Grammy would be absent most of those months. Her treatment left her vulnerable to infection. Three small children, two cats and a drafty house was not what the doctor ordered. That beautiful mountain on the west side of town would push the prevailing winds higher. Any moisture in those winds would cool and turn to snow. It seems to have zeroed in on our street. Syracuse liked to boast of its snow totals. I think Jaffrey beat it. The snow would be plowed higher than the top of the garage doors. The shoveling job of the sidewalks gave the neighborhood the appearance of Verdun. But I would come to see all this thick snow as a lifesaver.

The reason I would see the deep snow so favorably would be because of our oldest Sara. She had turned six years old that first November in our first house. She could be a sweet child. She could be a handful. Being the first of our children, we did not know what would be normal and what would not. She would be devoted to her younger sister that she called Missy. She could also be on borderline violent that would give even the most lenient adult a moment of pause. As the snow piled up that winter, our family started to get restricted to inside the house.

It would be a weekend when we started to notice that things were not right. We had a mom and pop convenience store diagonally across the street. Sara wanted to go there. With little going on and a couple of ones in my wallet we got our snow boots, coats, mittens and hats on and headed out. I found it odd that she could not decide on what candy to buy. There usually was some indecision when we first perused the candy racks. But this time took way too long. Even the final purchase seems not to bring any joy. She finally decided more because Dad and his money were leaving the store than the hunger for a candy bar.

We would return home, peel off the snow clothes and resume another winter weekend day inside. Sara then let us knows that she wanted to return to the store. She was told no. She persisted. Still no. She bolted out the door without boots or coat. She did not get far before her dad hoisted back inside under his arm. She would run for a door with a parent one step behind. What should have been a quiet weekend at home was turning into an exasperating chase to keep a child safe. Then she began running in place all the while saying over and over again, "I need to go to the store! I need to go to the store!"

I need to go to the store! I need to go to the store!
I, like many men I suspect, am not a big proponent of mental health. We were raised to be stoic of life's misfortunes. But I did not dismiss mental health as an unneeded frill of the well to do. During my Amherst days I had lived in an old farmhouse with five other students. One of our roommates brain dissolved during the fall semester. She would throw her boyfriend's clothes in the freezer when she was angry with him. She piled stones around the house to give us balance. And most disturbing, she would speak and the first part of the sentence would be completely unrelated to the second part of her sentence. She would be hospitalized before final exams. I would see her years later. She was once again normal with the help of drug call lithium.

As I watched Sara I realized this was not just a child's tantrum. She could not stop herself in this obsession with the store. Somewhere in that cute head of heir's an electrical short was taking her life away from her. Previous incidents could have easily have fallen on either side of normal and abnormal. Now it was clear that there was a problem.

Sara finally regains her composure. She retreated to her upstairs bedroom. We breathed a sigh of relief. No more doors to guard, at least while she was upstairs. Then one of us noticed that Sara was standing by the road in the snow with just slippers on trying to wave down passing cars. I pulled on my boots and went out to fetch her. After getting her inside we went to her room to get dry clothes. The bedroom window to the backyard was open. The back porch roof was cover in snow. A track cause by her butt leads from the window to over the end. Below, the snow had the imprint of where she landed and her footprints as she left for the road. It would be the first time I ever saw snow as a blessing. Had she done this some other time of the year there would have not been any padding from the rocks and the exposed roots from the tall pine trees that salted the backyard.

Karen was running the human relations department at Beech Hill Hospital. It was a noted drug and alcohol rehabilitation facility perched on a mountain top in the quaint town of Dublin, New Hampshire. It was not the type of help that Sara would need. But being in the business, they would know who and where help would be available. Monadnock Family Services would come into our lives. They are a mental health provider based in Keene, NH. They have a good sized clinic nestled in Peterborough. Even our hometown of Jaffrey had a part time satellite office. The psychiatrist would blow through the written protocols on which medicines to use, and in what dozes, to use on her in less than two months. He would have to cut a fresh trail with this new patient. He would tinker with her meds like an old mechanic tinkers with a motor. He would find the right mix to make her run right. The results might not have been perfect, but she seemed to be running smoothly.

There would be hospital stays through all these adjustments. Brattleboro VT has a large hospital. Concord NH has an entire campus. The visits there would remind me of college dorms except the doors to the floors required someone with a set of keys. They would work with Monadnock Family Services during these weeks of in patient treatment. Doctors would consult between the two organizations. Therapists would read reports. Diagnosis would be made, another illness would be explored, and then some decision would be made. How many times this would happen is but anyone's guess. A motor cannot defy the laws of physics. But there more we do not know about the human brain than we do know.

Monadnock Family Services would end up being a mixed bag. The doc that plowed on with the medicines without benefit of a map was fantastic. A therapist named Celia managed to keep cool and on task as a hysterical six year old heaped rapid-fire abuse on her. I was in awe of her control. But like any bureaucracy self preservation would lead to automatic rules by default. The first would come in kindergarten.

When a child needs to take medicine during school hours, the school nurse keeps and dispenses the medicines. Sara headed went to the nurses office at Ringe Memorial School at the designated time. The nurse would make

Sara headed went to the nurses office at Ringe Memorial School at the designated time. The nurse would make small talk as she located and handed out the meds. She looked at Sara as she downed her pill and noticed a bruise on her neck. She asked Sara how she got the bruise.

"My dad did it," Sara replied.

After Sara returned to the classroom, the nurse called Monadnock Family Services. The nurse wanted to report the bruise.

"Call DCYF," she was told.

DCYF stands for the Division of Children, Youth and Families. It is a state organization set up under law and funded by the state government. One of their primary missions is to investigate and resolve any issues of abused or neglected children. Parents have duty to raise children that will be responsible adults. Corporal punishment has been used for that purpose since before recorded history. But there is a fine line between legitimate punishment of a child and abuse. This is why the police usually defer to DCYS in child abuse cases unless it is blatant. DCYF can take any child that they feel is in danger. They do not have the power of arrest. But that is easily remedied. They simply call a police officer, inform he or she of what statute was broken, and the officer makes the arrest. It is unfortunate that society needs people to investigate such crimes. But it is unfortunate that society needs the police and the military as well.

Word reaches Karen and me that I was being investigated by DCYF over the bruised neck. I suspected the bruise came while I was restraining her. One of the hospitals had taught us that the best restraint was to grab her wrists with your opposite hands, stand behind her and pull her arms into an x shape across her chest. I remember using it as she attempted to stomp on her sister as Melissa was lying nonchalantly on the dining room floor. With the wiggling and squirming an agitated child can have when being restrained a bruised neck was well within the possibilities.

"You need to call that woman," Karen told me one night in the kitchen as we made dinner. That woman would be the DCYS investigator. Karen's imagination was much more active than mine. She may have envisioned me on death row over this bruise.

I decided I would not call her. I had nothing to hide. I was in my late forties at the time. I had never been arrested. I barely drank any more. Twelve beers in a year would be a wild time for me. I had no history of violence. The last fight I had gotten into was in college back in the mid 1970's. Even then the trouble had started between this guy and my roommate. When we left the bar the guy and his three friends confronted us. The guy jumped on me expecting his three friends to take on Ricardo. But Ricardo was 6 foot 3 and must have tipped the scales at over 300 pounds. Who ever got to Ricardo first was going to get creamed. They could not decide who was to be first, so none of them laid a hand on Ricardo. We rolled around, threw a few punches and then it was over. No big deal.

I did not spend anytime thinking about the investigation. People knew me. She could talk to whom ever she liked. I was not worried. And talk to everyone she did. She spent sixty man-hours on this investigation. Months later, I got a call at work. Could I stop by her office? No problem. It was a just few miles down the road.

She was Carol Baker. She was a pretty blonde with a friendly disposition that put you at ease. She worked out of a sprawling, one story office building at the edge of town. Her building was parked between the American legion hall and a marina. I chuckled as I got out of the car and surveyed the marina. There were still plenty of

woods and fields that the condominiums and strip malls had not gobbled up yet. But no water. A funny place to put a marina. You would be hard pressed to find a stream.

"You're not in any trouble," she told me as we sat down at her desk.

"I didn't think so," I replied.

We would talk for the next hour. It was clear she had done her homework. She knew things of our family, our marriage, ourselves that I either never thought of or had just never articulated. She knew the marriage was stressed. She attributed it to the exhaustion brought on by our daughter's illness. She promised to find help. She knew where to look.

I sat across her desk grateful for her offer. I wondered how she manages to stay so serene. We had all read stories of children used in the most despicable ways. Children used for money. Children used for fun. Children should be hugged, and kissed, and rough housed with, and taught, and disciplined so that they might be responsible as adults. Yet some children were abused so badly that it could only be called torture. For every child abuse story that makes the newspaper or television how many more do not make the news, ten, a hundred? Carol and her coworkers were the ones that would see all of it. And here she sat telling me that no only would she find help for us but that this was not my fault. I was grateful for her help. But I was not buying into that a six year old was the entire cause of this family coming apart. I, too, had already seen too much in life.

When I started at the University of Massachusetts after the Vietnam War, I got a work study job with the Veteran's Affairs Office on campus. As a public university free tuition awaited anyone who served in the military during the war. The veterans show up in Amherst such large numbers that the office needed a staff of five full-timers. We even had two full timer representatives from the Veteran's Administration of the federal government. I was one of the dozen or so work-study students. We filled out and processed forms for tuition waivers with the state, federal forms for the monthly GI Bill checks and any help we could render with jobs, apartments or even food stamps. The office was a refuge for most veterans. We had all had similar experiences of frustration and lunacy that a bureaucracy like the Pentagon shoves on you. We were proud that we had shouldered our share of the personal danger that a war brings. Many guys that we had grown up with avoided the draft either out a legitimate moral aversion to what the United States was wrecking in Vietnam or out of plain old self preservation. Butt someone else had to go in their place. We veterans never had to trouble ourselves on whether this nameless sucker had made it home or not. We were those nameless suckers. And as the war turned unpopular, we would also suffer abuse from some of these dedicated antiwar activists. We all got nicknamed baby-killers, right down to the medics and the chaplain's assistants. I once had a soda can thrown at me going through an airport in uniform. I shrugged it off. But thirty years later I still wonder how I would have reacted had the can been full.

The Veteran's Affairs office closed at 5:30 when the administration building that it was located within began to lock up for the night. But we had hundreds of veterans going to school part time at night. Many of them were married, had kids, a full time job and a mortgage. They needed the tuition waivers and monthly checks more than us single guys. So at 4:30 I would stuff a manila folder full of blank forms into my book bag and walk over to the Continuing Education. Judy and Irene would make me feel comfortable there. I doubt if we ever figured out any of the world's problems but we did have a few laughs along the way.

I started filling out the forms as they trickled in at the beginning of the semester. After the first two weeks things

got quiet. I started bringing homework with me. I could study and get paid at the same time. What a deal. Then a vet would show up with a question. He would sit and talk. On another night, a different veteran would show up. You could see they were lonely, married or not. I started bringing in a can of coffee. We would brew up a pot in the office machine, smoke cigarettes and talk. Actually, they would talk and I would listen. I would listen to half a dozen or so veterans a semester for the next three years. Some had seen things that no one should ever have to see in their lives. Others had not. Over beers at the Drake one night my boss and I came to the same conclusion about these lost souls. Most of them that did not come back with all their baggage did not go over with it all. While the war provided a convenient place to hang their shortcomings and idiosyncrasies, it did little to get to the real reason. We wondered if they would ever admit to the real trauma in their life. Could they just shrug off the past and enjoy what remained of their lives? Or would they simply carry their troubles to their graves?

Now this social worker was giving me a hook to hang this trouble marriage on. Had not she wrote in her report that the parents were exhausted? Did she say the stress was taking a toll on both children and adults? Did she not conclude that help was needed and needed fast? All this turmoil and trouble over the illness of a small child with matching brown hair and eyes. And Sara could not be held to blame. She certainly had not wished this illness on herself. No, this would be no body's fault, what the insurance companies like to label an act of God.

Tensions had been building between Karen and me for years. They would escalate when the children started to arrive. I would ask Karen how I should do whatever needed to done for the child. She would reply that she would take care of it herself. I would get frustrated by being cut of the loop. She would get frustrated by doing all the work. As more children arrived we both ended up delivering more frustration towards the other. Slights and hurts that initially were dropped soon began sticking around. Mental lists of offenses were recorded either consciously or unconsciously. The gap between us kept stretching until finally you would ask yourself, "What did I ever see in her."

I could blame Karen for this growing estrangement. She would rather spend five or ten minutes doing the chore than taking two minutes to tell me how. I could blame myself. I usually deferred to her on matters inside the house. Now I was not clever enough to figure out how to undo the damage my deference had done. More likely the troubles came from the dynamics of two people trying to build a life together. Neither one is perfect. Both bring their own baggage to the marriage. Television gives us the illusion that the average family is full of compassion and respect while it solves some sort of dilemma in 30 or 60 minutes. It leads one to believe that everyone has a normal family except for oneself. But Robert Frost's hundred year old description of the family's occasional misery and divisiveness is probably more accurate. Home is the place when you got to go; they have to take you in.

Two things would happen that would bring even more stress and isolation in our family. The first was Gertrude, Big Grammy, health began to fail. She was in her nineties and had seen most of the twentieth century start to near finish. Her frail body required a move to a senior citizens housing complex with its alarms in each room and a staff that could not only react but had keys to each apartment to do so. But she did not stay there too long. Her body was failing now with a speed that demanded a nursing home bed. She was too sick to make the move in a car. An ambulance brought her to the facility.

Karen got a call one day. It was time to come and say goodbye to Big Grammy. As the winter snow turned to spring slush we packed the kids with snacks and a diaper bag and drove up. It should have been a sad times me. But I had long resigned myself that much like how you punch into life when you are born, at some point you need to punch out. Perhaps it was that she was in her seventies when I first met her. Death could have reasonably

taken her at anytime. We had over ten years together. So I was not sad when I saw her for the final time. I was happy to see her again. I was grateful to be able to say goodbye.

Karen would find it more difficult. As her mother struggled first as a divorced single mother, and then as a remarried woman juggling personalities and situations of blending two families together Big Grammy would prove to be a constant. She would be the rock as the family tides and currents changed day to day. I knew Karen would be hurt over this death. But we had grown quiet with each other. She knew I adored Big Grammy. I knew she would be hurt.

A few days later Karen received a phone call. Big Grammy was gone. We were both silent with our thoughts. Karen expressed no emotion to me. I looked out the window to the snow cover lawn. Then a small, single grunt of a laugh came to me with a small smile at its end. After seventy some odd years, Big Grammy had finally gotten out of Utica.

The second incident would happen almost a year later. We had moved into the house in Jaffrey. Christmas was coming. Grammy, Karen's mother Judy, and Grandpa were coming for a few days. We had three children ages six years to six months. Karen and I were not fighting. But every gesture by one was met by indifference by the other. I was resigned to being miserable for the rest of my life for the sake of the kids. But it was tolerable. Maybe it would get better.

Grammy and Grandpa were packing the car at their house just off the beach in Maine when she collapsed. The ambulance evacuated her to the hospital where the initial assessment was a stroke. Further tests that day had worse news. It was not a stroke. The cancer was back after a nine month hiatus. Grandpa asked the doctors what they were going to do. Everything they had done previously had only brought a short term reprieve. There was nothing left to do. Nature was going to take Grammy away from us soon.

Grammy was more to Karen than just her mother. She was also her best friend. When we lived in upstate New York our telephone bills usually hovered at $200. A month. Rarely did I chastise Karen about the money. I knew who she was calling and I knew how important they were to each other. Grammy had talked about moving down to Jaffrey after Grandpa died. He was a few years older, and wives usually outlived their husbands. She would take Karen to lunch, the kids shopping and teach our children the mysteries of painting and art. I never sat in judgment of her as she still juggled the personalities of her blended marriage with Grandpa and his kids. Grammy already had a full plate without my carping. She, in turn, was my greatest fan. When Karen complained on the telephone of another one of my many transgressions, Grammy who always reminded her that she should be grateful that at least I always came home at night.

I brought to our new family an old tradition of opening one present on Christmas Eve. Karen brought a tradition of having a big breakfast Christmas morning before the presents were opened. Christmas Eve would find us moving Santa's presents from their hiding place to under the tree. Karen would set the table with holiday plates and cups. And Santa's hat would always end up getting caught in the storm door. We came down Christmas morning. Karen would make a fabulous breakfast. We opened the presents. Then Karen packed a bag and drove to Maine to be with her mother as she died. This was not how I expected our first Christmas in our first house to go. I wondered if our house was built on an old, unmarked, Indian burial ground.

Karen's sister Lisa flew in from Germany. Her brother Scott arrived from Pennsylvania. A hospital bed was delivered to the house at the beach. It would manhandle up a flight of stairs. The living room was turned into Grammy's bedroom. Once again the kids and I were summoned to say goodbye. If the goodbye to Big Grammy

Grammy's bedroom. Once again the kids and I were summoned to say goodbye. If the goodbye to Big Grammy had been serene and amiable this goodbye was miserable and harried. Grammy was too young for this to be happening. No one was prepared. Her husband Jack, Grandpa, seemed to be in denial. It would be a week or so before he realized that there would be no remission, no last minute miracle. She faded and faded fast. We called every night before bedtime to talk to Karen. One afternoon as I set up my empty classroom, I called Maine. I had no gut feeling, no premonition. Grandpa answered the telephone. Grammy had died twenty minutes ago.

Karen needed to stay another week. Grandpa decreed that the house needed to be cleaned out. The kids from both sides of this blended marriage were welcome to any and all things. But it needed to be done now. Anything left would end up in the dumpster. At first, I thought that he was trying to avoid the dissention between the two groups of children that they had brought to their second marriage. For as long as I knew her, Grammy seemed to be constantly walking a tight rope to be fair and loving to both sides. Now Grandpa would have to handle that task. But I concluded that his grief was so deep that this instant house-cleaning was a necessity. He came from a time when men did not show their feelings, much less discuss them. Everywhere he looked in the house was mementos of her and what he had lost. He must have worried that he would smash her things in his fury and his pain. Getting them out of his sight must have been the only way he could save his sanity. Better they should go to their children to remind them of happier times.

Karen would lose more than her mother and best friend in that three or four weeks. With the children, she would rather do it herself than to explain to me how something needed to be done. But she was gone now. It was just the kids and I. Cynthia at the daycare center promised meals in our time of need. But I had cooked for a living years before. I served many of the kids' favorites, macaroni and cheese, hot dogs, spaghetti. I supplement the meals with vegetables and fruit. Dessert could be handled with just cookies or snack cakes. Baths were given. Bedtime books read. Laundry was done. I do not remember even needing to spank the oldest two during that time. Perhaps it was my parenting style. Maybe they knew that something was amiss and their help was needed. It could have been as simple as not having two parents there to play off against each other. Things went well. The only time we had a problem is when I dropped Sara off at kindergarten before I dropped Melissa and Kevin off at the daycare center. She was not happy missing her younger siblings being transferred to safe arms and put up a fuss in front of the principal.

Even kind acts between us would be misunderstood. On one of our nightly phone calls, Karen asked if everything was alright. I was exhausted and the kids missed their mother. But Karen had enough on her mind with her mother dying and her step-father losing his old life. I figured that she did not need any more stress in her life. She had more important things to do in Maine. I thought she did not need any guilt trips right then. So I told her that everything was fine. As she hung up the phone, she turned to her sister and said, "Well, I guess they don't need me." There seemed to be no end to our downward spiral.

She brought up divorce a couple of times over the next year. I was noncommittal. I had no idea on how to get out of our rut but walking out seemed to be the lazy way. But we now live in an instantaneous world. Bored with what is on television? Flick it to one of a hundred stations. Hungry? The microwave will give you a hot meal in minutes. Do you want to see California? You can leave the east coast at breakfast and be there in time for lunch their time. The capitalistic free market has supplied us with everything we need to satisfy our hedonistic desires. Why wait? You can have it and have it now. You only need to suffer through those dunning commercials.

Marriage counseling would be a stop along the way. Once a week for....weeks, months? I no longer remember how long it went on. We would drop off the kids together and then drive to his office in silence. Once in there, we opened up as honestly as possible. Even the doctor commended us in his final report on being forthright when we spoke. But he had no recommendation for our problem(s). Everyone likes to add their two cents worth when they hear of a problem. Not only do they want to help, but they must have something to contribute. Leave it to our luck to find the only psychiatrist in the world who had nothing to add. This is where the Ball family stood when the night of April 9, 2001 rolled around.

I do not remember anything about work that day. I know I was working at the Ford garage over in Peterborough. I could not tell you if we were busy or not that day. I do not remember if I picked up the kids at Monadnock Community Day Care Center. I would pick them up as frequently as Karen. I can not tell you what we ate that last night together as a family. I do not know if we all enjoyed dinner or did one or more of us just pick at the food. No, I can remember nothing of that day. But I will never forget the night.

Bedtime duties would be split along gender lines. It had nothing to do with abilities, interests or personalities. It broke down by gender because the two girls slept together in one bedroom while our son slept alone in different bedroom. Karen and I would rotate who we had that night. If I had Kevin one night, the next night I would put Sara and Melissa to bed. As harried as we were as parents, Karen and I could usually remember who had who for bedtime the previous night. The previous night I had Kevin. That night I would have the girls.

Kevin gave me a hug and a kiss and then waddled off to his room with Karen. She closed the door. They would sit on his floor against the wall and read books. Songs would be sung next either while he lay on her lap as she sat on the floor or cradled in her arms while she stood next to his crib. If his thumb did not make into his mouth during songs, it would as he was gently laid in his crib and covered with his blankets. Kevin never put up a fuss about going to bed. Maybe it is inherent to his personality. I like to think that it was all those hours as an infant in his Grammy's warm lap.

The girls would be a different story. It is not that they were evil and troublesome. It was not that they were older and more mobile. And it had nothing to do with their gender. No, the problem had to do with the fact that there were two of them. You merely doubled your chances that one of them would be keyed up and full of energy. And as bad as that one could be, things could get worse. The first one could get the second one going. Then you would split your attention to try to get both of them calmed down.

Sara usually was the ring leader of the two. Her plans and designs would amaze me in their complexities and their intimacies. She could give any staff officer at the Pentagon a run for their money. She could be absolutely Machiavellian towards her goal. I would learn not to put anything past her. But she was not the one fired up that night. That would be Melissa.

Melissa is a sweet child with a kind disposition. Her humor flavors slapstick. Her playtime is spent with dolls and their many shoes. She adores her older sister the ring leader and is not beyond tormenting her younger brother. She liked to wear long dresses during the day. She would see them as a wedding dress and she was the bride. She was Daddy's girl and we both adored each other.

She did not wear her pink, Barbie nightshirt that night. She wanted one of Daddy's Army issued brown tee shirts. She was in a laughing mood. As she and her sister Sara brushed their teeth and used the potty, the laugher and the noise levels escalated. Sara began to pick up Melissa's energy. I usually allow them a few minutes to burn off this child energy. Some running began. Melissa climbed on Karen and my bed and began jumping. Things were getting out of control. I started to move to shut it down. Just then, Karen flew out of Kevin's room.

getting out of control. I started to move to shut it down. Just then, Karen flew out of Kevin's room.

She grabbed Melissa. She plopped her down in a chair. She chewed Melissa out and turned her attention to Sara and me. After she was done imparting her wisdom, she headed down stairs. The girls crawled into bed. I sat on Melissa's bed and began to read aloud a book. Melissa stood up and began jumping on the bed.

'Melissa lie down," I said in a tired voice.

She continued to jump. I swept her off her feet and laid her down. I put the blankets over her. She started to throw the blankets off to stand up and start jumping again. I stretched my arms behind my back and rested them on her to keep her lying down. Things quieted down as we sat in the dim of the nightlight. I sat on the end of Melissa's bed tired and depressed.

I would pay no attention to the squirming I felt under my arms. I dismissed it as Melissa finding a comfortable position to fall asleep. That was until I felt her licking my hand. She had started this antisocial behavior a few months earlier. If told to return a toy to her older sister, Melissa would lick it first. If she was standing next to you she would start to lick your hand. In a world full of Aids contaminated blood, household cleaners, illicit powdered drugs and perverts, we obviously had been trying to break of this annoying habit.

"Knock it off," I said in a threading tone.

She kept licking my hand.

"Me-LIS-sa!"

She kept licking. I flopped my right hand, the one she was licking, three times as a slap. I stood up and turned to face her bed. She rolled on to her stomach. Then she belched out a mouthful of blood.

I was surprised by the volume that Melissa spat out. As a medic, I knew there were no major arteries or veins in the area. I squatted down and pulled her upper lip up to find the wound. There was a cut on the inside of the upper lip, left side about half an inch about the edge of the mouth. I looked for other wounds. There was none. So where did all this blood come from?

Then I remembered. She looks like my mother, Jane. I look like my mother, Jane. I usually salivate a lot. I have had dentists tease me about trying to drown them. She looks like me. She has the same mouth, the same saliva gland system. Her mouthful was not blood. It was blood tinged saliva. Still, it made a mess.

Sara ran over to the bed and looked. "I'm going to tell Ma." She ran off downstairs.

I walked into the bathroom across the hall. I got a hand towel and brought it to Melissa. I lined it up with the cut lip. I put some pressure on it to control the bleeding. She held the towel as I started to peel the Army tee shirt off of her. Karen had arrived.

She moved the towel and looked in Melissa's mouth. Then she replaced the towel. She looked at me and said, "I think you should leave."

I had already caused a commotion that night. I was too tired to argue. I agreed. I started down the stairs. Karen followed a few steps headed for the kitchen. And in a casual comment so brilliant that only a man could come up with, I said, "Maybe we should get a divorce." I did not mean right then. As she got ice out of the freezer and wrapped it in a dish cloth, and I sat in a chair lacing up my boots, it would be the last time Karen and I were in a

wrapped it in a dish cloth, and I sat in a chair lacing up my boots, it would be the last time Karen and I were in a house together as man and wife. I had no idea it was coming.

I drove south for an hour until I reached my childhood hometown of Holden, MA. My brother Donnie was working the second shift at the police station. I swung by and catch up with the news. Donnie and I were the only two of the five brothers that got married and had kids. I am not sure if I told him of what had happened at home that night. He must have known I was depressed. As a cop, he has a habit of paying attention to people. As a brother he has known me nearly 50 years. I headed back north about an hour later.

I pulled into the driveway at home. I walked through the gate of the white picket fence we installed between the house and garage to keep the kids out of the street. As I came around the corner to the back porch, I noticed Karen standing in the porch light.

"You can't stay here tonight," she said.

"What are you talking about," I complained.

"The police were by. They said you couldn't stay here tonight." she said as she handed me a note with a policeman's name and telephone handwritten on it.

The last thing I was planning on doing was calling a police officer at 11:30 at night. I was not planning on calling him at all. I was too busy dreading on what was about to happen to get this marital mess resolved. Besides, everyone was supposed to be in bed by 11:30.

So once again I head south to Holden. Only this time I would go to the house I grew up in where two of my bachelor brothers lived. One of them got out of bed and came downstairs. I told him I needed the couch for the night. That got a smirk out of him. Apparently, one key advantage that bachelors have over married men is that they know they own a bed for the night. I had never given it much of a thought before.

In the morning I stopped by the house on the way to work. Karen had stacked toys up against the kitchen door, more as a noise maker than a barricade. I left dreading the delay in seeing her and trying to straighten out this spat. I headed for work hoping that we would be busy. I was not in a thinking mood.

It would be early in the afternoon when two police officers came to my service counter. One was from Jaffrey, where I lived. The other was from Peterborough where the dealership located. The Jaffrey kid asked me my name. Then he said he had a warrant for my arrest.

"Oh for crying out loud," I complained.

The Jaffrey officer took me over to Jaffrey police station. A different officer booked me in an apologetic manner. Then a third officer gave a ride back to work. It takes more effort to get to the dentist or the chiropractor. It took $20 to get bailed out. He did take a check. I got a yellow, letter sized form spelling out the bail conditions. No contact with Karen, the two girls or within 100 yards of the house. They were all witnesses. Their testimony might get corrupted with me lurking about. Still, it seemed a bit draconian to bar a parent from a seven year old and a four year old, particularly without a meeting to say goodbye.

The charge was on a white piece of court paper the same length of a speed ticket but double wide. The charge

The charge was on a white piece of court paper the same length of a speed ticket but double wide. The charge was 'Unprivileged Contact." Unprivileged Contact? Between a father and a his four year old? How stupid is this. If a parent does not have privileged contact with their small child, then who does? I had taught civics in the public high schools of Massachusetts. Now in the beginning of my first criminal run-in with the law, I was completely baffled. Surely, this unprivileged contact meant something else. It had to. That was only thing that made sense.

I spent the afternoon working in the sun that flooded the service write up area. People I worked with would drift in and casually ask me about my new friends, the policemen. Friends do not take friends out in handcuffs, I would remind them. They would get a short version of the night before followed by a groan at the headaches this would create to get resolved. Some would console me with stories of their matrimonial woes. At the end of the day, I locked up the garage, crawled into my car and wondered where to go now. Back to Holden

The second full day after the infamous slapping incident was to prove a critical day at work. We had two guys working together in the parts room. The manager was older, married and had kids and a sick mother. His name was Peter. The other guy was slightly younger, single and divorced. His name was Peter as well. In an effort to clarify who in parts told you something, they got labeled P one and P two. P one smoked. The designated smoking area was right out the service department's door. He walked by my counter, held up a cigarette, and cocked his head to the door. I followed him out, fished out a cigarette and lit up.

"You and the old lady gonna be able to fix this up?" he wanted to know.

I had not even thought that this might be the end. I just assumed we would suffer through somehow. I had been willing to be miserable for the next twenty years for the sake of the kids. Now I did not have to suffer that fate.

"No," I heard myself say as I shook my head. "I don't trust her any more. She brought the cops into the family."

It had taken me a year to decide to marry her. Now, it took less than three second to say goodbye. Apparently, some thing you just do not need to think about. You just know the answer.

The second would be a nineteen year old female that would come to my counter. She had dark hair, flawless skin and the leanness that freshly minted high school graduates possess. I was envious of her youth, the promise of her future, the excitement that everyday brought on the road trip to tomorrow. Then, she asked for me by name. I was flattered. Maybe this day was not destined to be completely miserable.

She handed me a large envelope. I open it and pulled out the paper work. It was a summons to the Superior court over in Keene, the county seat. As I read she slowly, and with get care with her pronunciation identified her name and address. Clearly, it was some sort of legal requirement. It was for a hearing for an ex parte restraining order requested by a lawyer representing Karen. I knew nothing of ex parte or restraining orders. I would shortly learn ex parte would stand for one sided. Merely the request was filed by one side. Nothing of any consequence. But it would be my introduction to the infamous world of restraining orders.

I had been in a court once before, twenty five years earlier when my car was towed for a lapse registration. The first change I noticed in today's court is the security screening at the entrance of the court. Car key, change, pocket notebook with a metal spiral binding, pen and cigarette package with its metal foil lining all were deposited into Tupperware for the bailiff to check for weapons. I found the courtroom and waited in the lobby opposite from Karen as she talked to a man I did not know. Later, as we sat at separate but adjoining tables I noticed a white band around his left ring finger where a wedding band normally would be parked. I wondered if he too was separated from his wife, or was he just empathizing with Karen.

He too was separated from his wife, or was he just empathizing with Karen.

He would speak easily and forcefully in that courtroom. Mr. Ball had been arrested! A felony! His client and the children needed the court's protection with a restraining order! The man was clearly a menace and danger!

I was clueless about the workings of a court. I did not know when to speak or when to be quiet. So quiet I would stay. But I did know that the charge of Unprivileged Contact was a misdemeanor. What I did not know was this same fellow had gone to the court in Jaffrey the day after the slapping incident to get a Domestic Violence restraining order. But it was denied by that court. In the thirteen years we were together, the only incident she could present that court was that I once threw a plate into the sink from a distance of two feet. Certainly not enough for a Domestic Violence restraining order. So we ended up in Superior Court with her looking for an ex parte restraining order. Her lawyer guy was fast, two different courts in three days. I did not have a chance. The court issued the restraining order. Now I had not only bail conditions keeping me away from my wife, kids and home. I also had a court order.

Monday night I was thrown out of my house. Tuesday I managed to get arrested. Thursday found me in court where the judge ordered me not to have any contact with my children or any teacher, day care worker or anyone who might be in contact with them. I wondered what my horoscope was saying for this week. And the week still had two days to go.

Friday after work I went to an automated teller machine to get $20. from the credit union account. No money. The account balance said I had less than seven dollars. So on Saturday morning I drove to Keene to see what was going on with my account. I deposited my paycheck and asked for a print out of the account for the last week. Friday night found Karen driving around to three different automatic teller machines and she cleaned out the account. I should have been upset. I was not. She was feeding and clothing the kids. And after studding finance at UMass for four years, I just could not take money with any seriousness. None of my green backs would weep for me when I die. Money just did not hold any interest for me.

I had decided to get a copy of the police report on my arrest. The Jaffrey Police station was twenty miles to the east. I headed east and picked up state route 124 that swung around the south side of Mt. Monadnock. I had worked in Keene for two years. It was a road I was well acquainted with. I drove along lost in my thoughts. I would come around a corner and react with horror. Our house was right ahead of me. There was no time or distance to stop and turn around. I was about to violate not only the bail conditions about staying 100 yards away from the house, but the ex parte restraining order issued two days earlier. I hoped I could drive by without anyone seeing me.

I would have no such luck. Sara was sitting on the driveway with something in her hands. She looked up and saw me. She waved at me.

Driving by the house was a violation of bail and the restraining order. But that was inadvertent. I had not meant to do it. But waving back to Sara would be a clear violation. So now I was in a dilemma. Do I do what is legal, or do I do what is right for my child? And how stupid have things have become to put a parent in this kind of position.

I waved back.

The police station was closed on Saturday. Apparently, they run banker's hours. The police officers still staff the town nights and weekend. But all telephone calls for assistance go through the mutual aid dispatch center at the Keene fire department. The police station is not open to the public during these off hours, unless of course you

Keene fire department. The police station is not open to the public during these off hours, unless of course you are being arrested.

I would spend the next week in a severe depression. Driving north to go to work, I would take the mountain road that ran along the east slope of Mt. Wachusett through the quaint town of Princeton, MA. The right side of the road dropped off hundreds of feet in some spots. There was guard rails lining the entire road. But there was breaks in it for houses some how situated along the slope. I imagined driving along at 40 or 50 miles per hour and then just weaving through on of the guard rail breaks. The car would launch into the air, hit a few trees and then tumble to the mountain base far below the road. I even undid my seatbelt on one of my trips through town. I would be damned if I was going to total my car and not killed doing it. I would survive my trips along mountain road. But my thinking was completely muddled.

I would also start thinking about resigning from the National Guard in protest at what the legal system have evolved into now a days. I had 17 years in at that time, with active duty going back to the Vietnam War. I had thought I was defending something worthwhile. We have one of the youngest countries in the world. Yet we have the one of the oldest continuous government in the world. The protection guaranteed by our constitution is the envy of the oppressed through out the globe. Now, I could only concluded that everything I had been taught about American freedom, about the sanctity of the family, about being left alone to go about your business had been a lie. How could I have been such a fool? This government was not worth defending. America, home of the free, land of the brave. I was not free nor was the police or judges brave. It was more Nazi Third Reich than the America I had been taught. But instead of the Gestapo yelling, 'Juden raust!' we had the local boys in blue yelling 'Men out!' It was quite a shock.

My brother Donnie keep me sane during this terrible time. He practiced law during the day and ran the Holden police department nights. I would show up late after the early evening rush of accidents, thefts and other transgressions that the police were obliged to investigate. I needed to talk. Not only was I stunned by what had happened, I was completely furious at how the legal system had treated the kids and me. My tone of voice had turned angry, and would remain there for months. Even the everyday pleasantries of please and thank you when buying something would bring a questioning look from the clerk. The words I said would be polite. The tone implied some undefined venom. Even when I was conscious of what I sounded like, and decided to make a determined effort to lose the angry tone, it would still creep into my voice. I could not change it any more than I could change the color of my skin.

It is ironic that a Domestic Violence arrest would bring out in a man a compelling need to talk. For generations, woman have complained that their men never talk about their feelings. Men traditionally have shut up about the misery and suffering that life delivers to them. Their mood might be angry and cross. Their disposition might be short tempered. Men could be distracted and walking on pin pricks. The women in their lives would be hard pressed to get out of them what was bothering them much less their feelings about it. John Wayne did not invent this silence of the macho man. He merely put it on film for millions to see in movie theaters and later television . The wife in California would have the same reaction as the girl friend in New York. My man does the same thing, and it drives me nuts. But it is only fair. Women are a mystery to most men. Should not men have the same allure to women?

Now, after being arrested, a man had a compelling urge, a need to talk. Finally, women would get something from their man that they had longed for since they first met him, what was really on his mind. In the course of a

45 minute arrest, eons of male sensitivities, mores and habits was changed. Finally, women had found the magic elixir to make the tiger change his stripes.

Unfortunately, the female half of this partnership would not benefit from this transformation. Bail conditions would prevent any contact between him and her. That is usually followed in quick succession by a Domestic Violence restraining order. The requests for Domestic Violence restraining orders are free to file with the court. Most courthouse now have a federally funded Domestic Violence advocate who's job is to fill out and file the paperwork with the court. She will come to one's home, work or anywhere convenient for the woman that needs protection from a court. And should the court deny a Domestic Violence restraining order, such as they did in my case, then an ex parte restraining order is easy enough to be gotten. After all, I was arrested. That is all the evidence need to get a restraining order. A telephone call, a letter mailed to the house, a hello in passing at the supermarket will get the man arrested again. Apparently, that constitutional right to free speech no longer applied either.

Sunday would find me back in Jaffrey. I needed some things from the house. The procedure for that is simple. I write a list and get it delivered to the estranged wife, either through lawyers or the police. Then at an agreed time, I call the police and the escort me on to and then off of the premises. On Sunday I arrived and went to find a pay phone to call the police. The first phone at the Mr. Mike's convenience store did not work. It took my quarters but I got no dial tone. No problem, there is another pay phone next to the Main Street bridge where the Contookuit River. It did not work either, but at least it had the decency to not keep my money. There was another pay phone at the convenience store turned garage across from the house. I wondered if I would be in trouble going within 100 yards of the house. But I was calling the police. And I was calling the police for an escort to the house. I drove to the garage and called the police.

Sgt Stephen Wright and Det. William Oswalt showed up at the garage. I did not know Sgt. Wright at all. But Bill Oswalt had sold us the house in Jaffrey. It had been his and his wife Dawn's starter house. I thought detectives were supposed to wear trench coats and civilian clothes. Anytime I had seen Bill, he had been in his blue uniform. But I once saw him riding a beat up, orange dirt bike down Main St. No helmet law in NH. And the wide grin across his face told me that the little boy inside was having a good thrill for himself. I figured Bill was oaky. We said hello.

I told them I was supposed to pick up some clothes and personal items from the house. Sgt. Wright looked at the house for a long time with a sour expression. The minivan was gone. I was certain that no one was home.

"She usually leaves the stuff on the back porch," I volunteered.

"You aren't supposed to be within 100 yards of the house," Sgt. Wright said in return.

"I tried calling from Mr. Mike's and the payphone at the bridge. Neither one of them works. And I was calling the police to pick up some stuff here at the house."

Sgt Wright went back to staring at the house across the street. After a couple of minutes he turned to me and said, "Did you go by the house yesterday?"

"Ahh.....yeah. I was coming from Keene to the police station," I said. "I just spaced out. I didn't even realize I was going by the house until I saw it."

"I think Officer Stephens has a warrant for your arrest," he said as he looked at Det. Oswalt. Bill nodded his

head yes.

"Oh for crying out loud," I said.

"This isn't fair," I said to Bill

He turned to me and held up his hands in surrender. "There's nothing we can do."

There's nothing we can do. I had heard from Donnie at the police station sometime over the last week

I started fidgeting in exasperation. I started walking around. I was careful not to go too far. I did not want the police to think I was trying to run away. I could not believe I was going to be arrested again. Violating bail conditions and a restraining order. I thought this mess was screwed up before. Now it was getting worse instead of better. I looked at Bill Oswalt.

He looked back at me and laughed.

How can he be laughing? I am getting arrested again and he is laughing. Has everyone completely lost their minds?

I looked at Bill and laughed.

"You jerk," I said.

The radio crackled. Officer Stephens had finally got to the police station and was rounding up the paperwork for my second arrest. After 48 years of living on this planet I had finally managed not only to get arrested, but now I was going to get arrested for a second time in a week. Sgt. Wright went across the street and knocked on the door. No one was home. He waved us over. I picked my things from the back porch. The police told me to go to the police station and see Officer Stephens. Then they got into their cruiser and left.

I drove to the police station. Being the weekend, the police station was closed to the public. So I pushed the button to the intercom system that connected me with the mutual aid dispatch center located in the Keene fire department twenty miles to the west. They got on the telephone or the radio and let Officer Stephens know that his 10 o'clock arrest appointment was at the front door. Stephens let me in and started the booking process.

I wondered how much bail was going to cost me this time. The last time it was $20.00. But there would be a bit of a snag with this bail. I had violated a restraining order and bail conditions from the first arrest. My new bail was supposed to go in front of a judge. The courts were closed on Sunday. The conversation between the magistrate and Officer Stephens seemed to indicate that they were going to wait for the judge. That would mean I would be spending the night in the county jail. A wave of depression over came me.

I sat there in my misery. I had never spent the night in jail. The only thing I could hope for now was that these two guys were just busting my stones to show me how serious these restraining orders and bail conditions were to be treated. I sat there for another 45 minutes before the magistrate and Officer Stephens returned.

"We going to let you go on bail. It's against my better judgment," the magistrate said to me.

"Thank you. How much?"

"Thank you. How much?

"Twenty dollars."

I fished my wallet out of the front pocket of my pants. I took out my bills and counted them.

"I don't have it."

"How much you got?"

"Eight."

"Gimme that and send me the rest this week."

"If you want, I can hit the ATM right now, " I said as I handed over the bills.

"That's alright. Just send me a check. And it better not bounce," he said as he handed over a business card with a name and address on it.

I collected my stuff and vacated the police station. I got in my car and headed south to the relative safety of Holden. I did not know it at the time but I had gotten real lucky. Had there been a Domestic Violence restraining order on me, they would have never let me go until I had been if front of a judge. The fact that a Domestic Violence restraining order was missing let them know that some how my case was different.

The next week was to be a bad one. There was no more police officers. There was no more courts. The trouble would be inside of me. My brother Kenny would tell me to take his bed until we got his office clean out from the small bedroom. He and his dog Jasper would stay with his girl friend Bev over on the east side of Holden. I would crawl into the double bed and lie there with my brain racing at 200 miles per hour. In my entire life, I have always been able to leave my troubles on the night stand and get a decent night sleep. But not that night. After three or four hours trying to sleep I conceded and got up. Tim was sleeping over at Carol's. I had the house to myself. I went out to the back deck and lit a cigarette. The April night sky was clear like the winter nights. I saw the constellation shaped like a kite. I remembered seeing that all the time from the back deck when we lived in Hillsboro. Dawn found me in the car head to work in Peterborough.

The second night would not be any different. In to bed at the appointed time. Lie there for hours wonder if sleep would come. Finally getting up when it did not. The third night would be the same, as with the night after that. The army had kept me awake once for three days doing something they thought was important. But I was younger then. When the count reached four nights, I decided to get some help.

I called the clinic in Keene. They had late hours on Thursday night. I drove over from work. I checked in downstairs and paid my ten dollars. Then I would check in again up one flight. I checked the end tables for a magazine and then park myself in a chair. Finally, I got the call to come in to the back.

I would get a physician assistant for that visit. He had white hair and a white goatee framing some heavy black glasses. He looked at me with a no nonsense approach.

"What's going on?"

"I haven't slept in four days."

"How come?"

"Well, I've been arrested twice in a week and thrown out of my house."

"Yeah, I've been divorce," he said as his face softened.

"You're not going to hurt yourself,, are you?"

"I'd be lying to you if I said I hadn't had bad thoughts. But I'm not going to do anything stupid."

He looked at me for a few seconds. Then he shook his head yes.

" I'll give you a prescription. Just follow the directions," he said as he started to write on a prescription pad. "And don't worry. You come through this."

So I sat at the pharmacy in the front of a new, boxy supermarket set down along the rural border with Massachusetts. Then I drove home. Tim was headed to Carol's for the night. Kenny was already gone. I set the pills on the nightstand, debated taking one right off, and then got undressed and into bed. Then I promptly fell asleep. That was near four years ago. I am still not certain if I have thrown away those pills. I never took one but they worked just fine.

The next two weeks would bring a new character into my life. The country lawyer transplanted from a childhood in a New England mill town. The country life appealed to him. But the city boy was not afraid to speak even at the potential risk of a scrape. My brother had business dealings with him before. His name was Dave Towers. He was older and experienced. His office was down the street from the house I had share with Karen and the kids. He laughed when he read the paperwork. Before the street was renumber a few years back, his office had the number now assigned to our house. I took that as a good omen.

He asked me what had happened. I told him I slapped Melissa, gave her a cut lip, and then found myself public enemy number one.

"You got caught in this Domestic Violence crap." he said with some venom. "It's a pain in the ass."

He continued reading the police report. Then he smiled. "you've never been arrested before."

I though it was a question. "I'm, ahh.....not sure."

"No. No. You've never been arrested before, " his smile getting bigger as he held up my criminal history in the police report. "That makes my job a lot easier.

He told me not to attend the probable cause hearing. He told me not to do anything stupid. He also warned me that I may have to do the counseling trip to make this all go away. Then we talked money. Four thousand dollars to handle the criminal charge and the divorce. I left his office feel less alone but nothing else was feeling good. And what was this counseling bit all about that he mentioned?

I would change jobs in the next few weeks. Off to the city for more money. My legal troubles would make the

rounds of the shop. Mike, the semi-psychotic truck mechanic, asked me about it one morning before the rush started. I told him my story.

" You're gonna get fucked 'cause you got a penis," he said with a knowing smile. Apparently, and unknown to me, this had been going on for a while.

Dave and I show up for court a few weeks later. Jaffrey/Peterborough District Court was located in the former cafeteria of a single story industrial building that had been built in the 1960's. The court had some awful looking blonde paneling. The linoleum floor tiles were original with missing patches exposing the concrete base underneath. Rumors were that a new court house was on the books to be built across from the MacDonald's in town. They needed it. The old court was disgusting.

The judge was a young fellow, somewhere in his thirties. He wore a bow tie. The district attorney looked harsh behind his black rimmed glasses. He wore a powder blue sports coat. He kept his files in a deep plastic box with latches and a handle on top. It reminded me of a tall fishing tackle box. We sat in the folding metal chairs and waited our turn. Dave got up to talk to the district attorney when the judge went back into his chambers to handle some other case's paperwork.

"What are we doing?, I asked.

"Nothing," he replied as he looked around the courtroom. Then he looked at me and said, "We're going to get a continuance.

"Why?'

"An old case is a cold case." He started fishing through some paperwork. He found what he was looking for and turned back to me.

" It takes some of the passion out of it."

My case got called. Dave and I took one table. Dave talked. I stayed silent unless asked. The trial would be delayed. But paperwork with the court would need to be signed. I had to give my written assent for a delay. Something about a constitutional right to a speedy trial.

I was grateful I had Dave. I was grateful I was no longer alone. It did not occur to me to ask how this thing was going to end. An old case is a cold case seemed like a reasonable strategy to me. Then things started to change. The first would be when my National Guard artillery battalion scheduled a three day shoot at Fort Drum New York.

My artillery battalion is outfitted with 155 millimeter howitzers that can throw a 6 inch shell 18 miles. With New England being as populated as it now is, finding a post big enough to fire these rounds get difficult. Camp Ethan Allen outside of Burlington VT is large enough to fire. But the window is narrow which does not allow the gun crews and the fire direction control guys any experience at resetting and finding targets. Gagetown, New Brunswick, Canada has a large post, but it is a day and a half by army convoy towing 17,000 pound howitzers. A convoy could make Fort Drum, NY less than a day. The battalion would spend a day firing and the third day would be spent convoying home.

I had started as a helicopter Huey crew chief when I entered the army at the tail end of the Vietnam War. When

I jointed the National Guard in the early 1980's, the unit locally was an infantry unit with lineage stretching back to 1636. Having no need for helicopter mechanic, the Guard slotted me as a medic. I would not be allow to treat any patients until I went through the medic course at Ft Sam Houston, TX. The next slot was not available for a year. So I drifted off to the motor pool and got an army driver's license for an ambulance. I was good with a map and I knew the mechanics of the ambulance. The unit was happy to have me. A year later, I spent the summer at Fort Sam and got certified as a medic. I was now known as Doc.

My partner on that trip to Fort Drum was Danny Limbaum. He was younger than I, married with a daughter. He had a full time security job. He also had picked a part time job as a police officer in one of those growth towns along the interstate. He was a decent guy with a good sense of humor. He obviously cared about people. But when asked why he because a cop, he always had the same reply. He wanted to do a buck twenty in a car legally. He had been to the course at Fort Sam. He, too, was a Doc.

Danny and I drove to Fort Drum in a Humvee ambulance. During World War II, army ambulances got nicknamed Cracker Jack boxes. Something about a surprise inside. As these ambulances drove through history in places like Inchon and Khe Sanh, the nickname got shortened first to Cracker box and then just the box. Danny and I followed the convoy into the woods of Fort Drum, found our assigned area, and parked under a tree for concealment. Then gun crews had their own medics for any treatment needed. We were the transport for any casualties that might need evacuation. So Danny and I sat in the ambulance under the tree and waited, two docs in a box..

I pulled out an army issued field manual for medics and opened it and wedged it between my lap and the steering wheel. The army preferred that its troops train when things are quiet. I was not in the medical field in my civilian life. So I needed to refresh myself on things like leg fractures or incubation. And as long as I had a field manual open in my lap, it was unlikely anyone would bust my chops. I had the manual out. I was training. Sometimes I would dig into the material with a purpose. Other times, it sat in my lap ignored as I daydreamed. Danny open a book on his side of the ambulance.

"Hey," Danny said to me after a while. I swung my helmeted head to look at him.

"They can't arrest ya."

"Danny, they already arrested me."

"Yeah, but they're not supposed to."

"What are you talking about?"

"It's right here in Justification Statutes. See," he said as he handed his book over to me.

"What is this?," I asked as I started to read on the page where he had pointed.

"It's the New Hampshire criminal code. The department gave it to me. If you gonna be a cop, you gotta know what the law is."

I read the Justification Statute for People With a Special Responsibility. It was clear that they were talking about

parents, or legal guardians of minor children. The statute stated that something had happen, but that the defendant was justified in doing what they had done. It was a complete defense. The State had an obligation to prove that it either did not apply, or that the defendant had overdone it and crossed the line. There was also Justification statutes for teachers, medical workers and, oddly enough, police officers.

"So why did I get arrested?," I demanded.

"I dunno. But they can't," he said earnestly.

I looked at this brand new, rookie cop and said to my self, ' Out of the mouths of babes.'

The second event that started to get things moving was with a woman affection known as Mrs. B. Mrs. B worked at the day care center that our kids spent their days. Sara was in first grade. She would be at the day care center during vacation weeks and the summertime. Melissa and Kevin would be there year round. Mrs. B would be in at 6 am and collect the children of various ages in one of the seven classrooms. Other teachers would drift in every half hour until all seven rooms were fully staffed. Breakfast would begin in another room at 7. Mrs. B would dispatch them over across the central big room to eat. She was funny, out-going and gruff in a way that reminded one of our parent's generations. She was of their generation. She had married her husband during WWII. She could straighten out any kid with a few words. She would ask allow for help within earshot of a parent dropping of kids. She knew which parents would stay for twenty or thirty minutes and help keep the kids occupied with a book or some coloring projects. She knew I was an easy touch on Thursdays and Fridays when I worked as a corporate trainer.

The ex parte restraining order prevented me from not only talking to my kids, but also their teachers, day care providers, doctors, in fact everyone who they would come into contact with them. Mrs. B was easily within the excluded group. But she was in my place of work. I did not seek her out. She came to my garage to get warranty work done on her Ford. I figured it would not be a problem as long as I did not question her on my children. But I was not to be in control of the conversation. She was from another generation. A father should know of his children. The idea that it might be illegal would not have crossed her mind.

"Melissa's not doing to good," she said after I had written up the repair order.

"Why? What's going on?"

"She cries a couple of times a day. No reason. She is just sitting there and next thing you know she's crying her eyes out. She seems depressed all the time, too," she relayed in a serious tone.

We got her car fixed. I was a pile of nerves after she left. Melissa is in trouble. The only one of the three children that looked like my side of the family. The one that looked like my mother. Daddy's girl, the one who like to wear wedding type dresses. She must be blaming herself for losing her daddy. A heavy load for anyone to carry. Worse for Melissa, she was only four years old. And the only person that might convince her that it was not her fault is barred by court order from any contact with her. So a four year olds life is turned into misery because the legal system believes it needs to pander to this feminist foolishness. How stupid can a bureaucracy become. I needed to do something. I called Dave Towers.

Dave filed a motion in July to modify the restraining order for visitation. We got a court date the following month.

We were scheduled in the courtroom in the old part of the courthouse in Keene. I sat on a bench by ten now

We were scheduled in the courtroom in the old part of the courthouse in Keene. I sat on a bench by ten now closed front doors. Dave would disappear into one of the many conference rooms with Karen's lawyer Will Phillips. I sat there looking at the building trying to find any traces of the post Civil War architecture when the old courthouse had been built. There was no much left of the old interior. Dave finally came out and motion for me to come into the conference room. Mr. Phillips headed off to find Karen.

"We got a deal," Dave said.

"What do you have?"

"You gotta go to joint counseling with the kids."

"Oh for crying out loud!"

"You want to see the kids or not?"

As galling as the deal was I had to do something. Melissa was a mess.

So through the month of September and October I would meet Melissa at Maureen LaFortune's satellite office in Jaffrey. She was a cherub type lady with a master's degree in social work from a Florida state university. She felt Melissa was troubled by being physical harmed by someone she loved and trusted, her father. I felt she was harmed by having her father yanked out of her life without even a last meeting to tell her she was loved, she was safe and that all would be well. But what I know. I am only her father.

The meetings went no where. Melissa would get smuggled into to the building with secrecy worthy of a federal marshal. I would show up and then get asked into the room at the appropriate time. Maureen and I would sit in chairs while Melissa played with blocks or colored at the kids table. Melissa asked me to color in the torso of a picture of someone she had drawn. After I finished, she took the blue magic marker from me and drew a line of five or six dots under each of the eyes. I got to keep the picture. It is still tacked on my bedroom wall.

One morning in November, I had the day off. I drifted out to the back deck to smoke a cigarette. Aaron, the local newspaper delivery man, was delivering to the house behind us. We waved to each other as he made his way back after he left the newspaper at the house behind my house. We knew each other from the car business, Aaron's full time job. As he delivered to the houses across the street, he lobbed a newspaper over his car roof that landed in my driveway. Aaron dropped a free newspaper on me periodically not only because we were friends, but also in an effort to get another paying customer. I was already hooked on the Boston papers. But it was nice having the daily paper without having to drive to the store.

I made another cup of coffee and settled in with the local Worcester paper that I had read and delivered as a boy. I had gotten through the hard news and was on the soft stuff just before the editorial page when I saw the story. I reread it a second time. Then I put on my coat, grabbed my cigarettes and took that section of the newspaper out to the back deck.

In the next half hour I would smoke about six cigarettes and reread the article 18 times. It was a small story from California. Jim Brown, the football legend from the late 1960's had been arrested for Domestic Violence. He and his wife reconciled. But he still had the legal charge to deal with. Under most state's law, the wife no longer has any say in whether a prosecution goes forward or not. Jim Brown was convicted of Domestic Violence. The judge informed Jim that the court had no choice in the matter. It was either anger management counseling or six months in the county jail.

months in the county jail.

Jim Brown stood up, looked at the judge and said, "I'll take the six months. On principle."

I knew I was reading something important, but for the life of me I could not figure out why. Six months in jail has to stink. No privacy, no rights. All sorts of low lifes. Six months in a cage. And this could all disappear with what, eight weeks of one hour a week listening to some psycho-babble? And this was not a this might happen situation. This was going to happen. Jim Brown was led out of the courthouse in handcuffs and taken to the can for six months. What he did defied logic. But I knew he was right.

From reading the New Hampshire laws, I knew the charge against me carried up to one year in jail. I thought it was unlikely that would happen. I had never been arrested before in my 48 years. The courts usually give a pass on a first offense depending on its severity. Over crowded jails was an issue that all the states had been dealing with for years. The states could not seem to build and staff new jails ones fast enough. If Jim Brown could take six months then I could take a chance at maybe getting a year. This rolling-over-and-playing-dead crap was coming to an end. If they want to fight, we will fight. There was going to be a trial.

I called Dave Towers and told him I wanted a trial. He told me to come see him. I drove up to Jaffrey early that afternoon.

"You're paying me for my advice. And I am telling you not to fight this," Dave said in a gentle tone.

"No. We're going to have a trial."

"Fine. I'll put you on the stand," he said in a huffy tone.

It became apparent to me that Dave had no appetite for this fight. I knew then I would not let him represent me in the criminal charge. I would keep him for the divorce but he was done on the criminal matter. I would represent myself. Dave was right that things had change. What he did not realize was that things were changing again.

I was due in court in a week to update everyone on the counseling progress. I had gone for an anger management evaluation down at UMass medical center in Worcester. After spending an hour and a half with a psychiatrist, he told me, "You're not what we are used to seeing around here." He never saw me again.

I showed up at court in the old cafeteria. The judge wore his bow tie . The prosecutor wore the same, powder blue sports coat. Maybe it was his lucky sports coat. I had a lucky one back in my college days. It was green corduroy. I had not worn it in 20 some odd years. But I still have it. It is somewhere in the back of my closet in the small bedroom. My case got called. The prosecutor and I stood close to the judge's bench.

"I have not seen any reports of counseling," the prosecutor said as he looked at me with his black rimmed glasses.

"We're going to need a trial," I replied.

"Mr. Ball, you can get up to a year in jail over this charge if convicted," the judge said over his bow tie.

"Yes your honor," I said, " We're still going to need a trial."

They consulted the court's schedule and found me a date the week before Christmas. On the way out I saw

Dave with another of his clients. I said hello and kept on going. Someone else was paying for his advice. I would not intrude.

During that time between court hearing, I got word that DCYF was investigating me over this slapping incident. I had heard nothing in the seven months since that night in April. I called the DCYF office that I had meet Carol Baker in the year before. She had transfer to a smaller officer up the Connecticut River. I finally got a hold of someone that knew something about the case. The case was still open, but she promised me to send me their findings.

My contact with DCYF ended up nudging them into a decision. The sent me their report that was a muddled mess. There was reports they solicited that were either confused or out right incorrect. No one seemed to have a handle on the investigation. The author's confusion came through in their writing. But they had reached a decision. They were planning on filing a Founded Report. The allegation of abuse or neglect was founded. That would put me on a secret list kept by DCYF of known child abusers. The list was kept for schools and day care centers to screen new employees. I had no plans for a career in the day care business. I doubted if I could financially live on what they paid. Once on the list, your name remained there for seven years. I had twenty days to request in writing for a hearing.

I wrote the end of the twenty day period on my wall calendar. Then I got my computer. When I was first arrested, I had been working at a Ford garage in Peterborough NH. At the time, we were involved in getting Blue Oval certified with Ford. It was a big deal. Ford would send out representatives to inspect the garage to make sure all was in order. It was important to the dealer. Rebates and hold back money for the owner increased substantially with this certification. There was some serious money involved. The owner did not need to tell us how important this was to him. We already knew. So when the employees of J.D.Powers came to inspect us, everything was in order. We got the certification.

Ford had not only goodies for the owner, but the employees as well. I received a packet thought the mail shortly after we were accepted. One thing caught my attention was a computer with free internet service for a low monthly payment. Being a father of three with no children, I had plenty of time on my hands. I sent of the paperwork.

The first computer sent to me was damaged. The second one worked just fine. I got it set up and got the internet service working. As someone who loves libraries and bookstores, the idea of finding any written information from the privacy of my bedroom put me in heaven. There would be false starts and scams to watch out for. Once I made the mistake of typing 'sex' into the search engine. I got clobbered with pornography pop ups for the next 20 minutes. I would kill one pop up, and three more would take their place. I doubt if I have ever type that word sex into my computer while I am on line.

I spent many hours researching the law on line. The State of New Hampshire has a web site. One can surf the legislature, executive branch, even the judiciary. The State constitution was there as well as the state laws call Revised Statutes Annotated (RSA's). You also pull up the NH Supreme Court Rulings for free on the state's web site, or for a monthly credit card charge with a Washington state company call Versus Law. I would spend time in both sites. I would spend a lot of my time reading off the computer in my bedroom. A few days after I started reading, I found what I was looking for.

started reading, I found what I was looking for.

The case was call the Petition of Jane Doe. It was heard and ruled on back in 1988. Jane Doe is not her real name. The woman had requested that the case be sealed to protect either her, or her son's, privacy. That was granted by the state Supreme Court. A petition is when someone files a case that starts and ends with the Supreme Court. This saves everyone, including the courts, time and money on an issue that the lower district or superior courts are ill equipped to decide.

Jane Doe was contesting DCYF's decision to officially label her a child abuser and put her on the seven year list. She had slapped her son and gave him a cut lip, just like I had done with Melissa. Nineteen months later, she backhanded her son upside the head and left a bump near his temple. It was believed that her ring caused injury. Her son was younger than my Melissa for both incidences.

I printed off the case. I wrote a letter to DCYF requesting a hearing. Of course, if they decided to file an Unfounded Report after reading the Jane Doe case I was enclosing, I would consider the matter closed. I mailed that off in 18 days.

I checked my mailbox religiously. My criminal trial in the cafeteria was coming soon. A report from DCYF could effect the outcome. The days kept ticking down to the trial. Still no mail in my box at the post office.

The day of the trial, I got up early and got dressed. I wore a suit coat and tie. It must be the old school in me. I remember a time one dressed up just to go to church. Surely a court appearance was of the same magnitude. Most of my fellow defendants show up in their best tee shirts proclaiming 'Reality Bites' or "King of Beer." I do not know if I was treated any better by being dressed better. But I would have felt self conscious wearing anything less.

The drive to Jaffrey was strangely peaceful. I could get a year if I lost. I had already decided to appeal if I did lose. But after seven months in limbo, seven months of no resolution, seven months of no kids I was finally going to get something resolved. The old case is a cold case was dead after seeming so brilliant when first purposed to me. Finally some resolution today. Maybe I will get my life back.

I swung by the post office in Peterborough seven miles further past the cafeteria courthouse. I did not expect to find a reply from DCYF. They have had three weeks to reply. Get it today would be timely if they decided to file an Unfounded report. After they read the Petition of Jane Doe, I was certain that their was not anything else that they could say. But I doubted my luck was good enough to get it in time for court. So I was not expecting to much as I parked the car and stretched my way up the post office's steep stairs. I said hello to Paula at the window as I walked to my box. Through the glass I saw mail. I opened the box. A bill, a credit card application, a letter from DCYF.

I calmly walked over to the tall table over looking the river. I slowly opened the letter along the top seam of the envelope. I carefully took out and unfolded the letter. It read.

Dear Mr. Ball

After reviewing the Petition of Jane Doe, this office is going to file an Unfounded Report regarding the incident of April 9, 2001. We are still concerned about the situation.

Sincerely,

A grin so wide that it hurt broke out over my face. There goes being added to the 'secret' list of child abusers for seven years. This was the second unfounded report filed about me in less than a year and a half. I now had more good paper than an American Kennel Club registered dog. I not only had my first win in this mess, but I also had something to use to fight the criminal charge. I looked at my watch. Now I was running late and I need the copy machine at Mr. Mike's convenience store. I would need copies of this unfounded letter for both the court and the prosecutor. I was not too worried about being a little late for court. I knew I would not be the only defendant schedule for today. Most of the others would be in and out in 15 minutes. I was to have a trial, so my case would be put off until the others had their time in front of the judge. I straightened my tie in the car mirror, wrestled my blazer of the coat hook in the backseat and headed into the cafeteria courtroom.

I was right about other defendants having business in front of the judge that morning. Of the twelve or fifteen defendants, I was the only one wearing a sports coat and tie. There was the worried late thirties woman with a drunken driving arrest. A fine, loss of license and mandatory alcohol counseling. A curly hair eighteen year old in a red collarless sports shirt with a possession of marijuana charge. A fine of $300. and an embarrassed smirk to me on the way out of the court. Then a defendant brought in with handcuffs and leg shackles. I watch with interests as the cuffs came off but the leg-irons stayed on. A murderer? Rapist? Brawler? Nothing that exciting. He simply owed the court money from the last time he was in trouble. The court listened to his tale of woe. Then the judge informed him that if he did not get someone down here to the cafeteria courthouse with $450.00 then the defendant was going to work it off in the county jail at a rate of $10.00 a day. The court then took a recess while the defendant made telephone calls while a deputy stood next to him. The judge went into his chambers which had been a kitchen in a previous life. I wondered if the commercial size appliances were still back there.

I plopped back into the folding metal chair bored with the wait and excited that this legal lunacy was finally coming to an end. The unfounded report was filed under the child abuse statutes. They are civil law, not criminal. The standard for a conviction under civil law was a preponderance of evidence-fifty one percent. Under the criminal code, the standard for conviction was much higher-beyond a reasonable doubt. How could the prosecutor prove beyond a reasonable doubt when DCYF said it could not even get to a preponderance of evidence? This should be a slam dunk. I had already written the prosecutor telling him I had planned on using the Justification Statutes. That should shorten the trial considerably. By invoking the Justification statutes, the defendant concedes that, yes, something did happen but that they were justified in doing what they had done. There would be no need for a detailed walk through of the incident. The Justification defense was considered a complete defense-I needed nothing else. The prosecutor would need to show that I had overstepped the limits that the justification presented a citizen. And how could he do that? DCYF had filed an unfounded report. It was over. I would finally get my kids and my life back.

Then I saw them back at the awful paneling that made a hallway around the courtroom perimeter. They seemed to be glued together as they shyly worked their way forward towards me. They had grins on their face happy to see me. But neither knew if it was okay to approach me. Happy and confused, they walked side by side, so close that neither of them could use their arm that touched the other. And I remembered the nicknames they called each other when they are particularly close, Missy and Sissy.

They slowly drifted to me unsure if it was okay to talk to me. I smiled at seeing them. When the got halfway up the aisle, I waved them on to me. The closed the gap happy that someone told them what to do. We exchanged hugs and kisses. Most of the uncertainty disappeared from them, but not all. They were happy to see their dad. Their dad was happy to see them.

"How you doing?," I asked Sara.

"Good."

I looked at Melissa. She was beaming.

"How you doing?"

Melissa shook her head yes still beaming. I realized this was the first time I had seen her in eight months except for those contrived visits in Maureen's office.

"Dad, guess what?," Sara said in low, conspiratorial tone.

"What?"

"We're getting paid to be here," she said with a smug look.

"No way!," I said in mock astonishment. I looked at Melissa. She nodded yes still beaming.

"And mom said we could keep it," Sara added with a cool look.

"You guys are soooo lucky," I said.

Their mother came and took them away. I turned back to the front of the courtroom. I glared at the back of the prosecutor Mr. Parks as he straightened out his files in his tackle box. I noticed he was wearing his lucky, blue sports coat. I hoped that was not going to be a problem today.

The judge came back, gave the last guy until 3 o'clock to get someone down here with the money or he would be headed back to county jail. Now it was my turn. I was the only defendant left in the cafeteria.

"You ready, Mr. Ball?," The judge asked.

"Before we get started, can I ask why my kids are out of school?," I replied. They were in day care, but school sounded batter.

"What do you mean Mr. Ball?," the judge said as his chin sank rested on his hand.

"I sent Mr. Parks a letter telling him I was going to use the Justification Statute. So why are my kids out of school?"

The judge looked at Mr. Parks. It was clear that he was irate. Apparently, men in Domestic Violence cases were expected to go and crawl off to a rock. If I was headed for a rock, it would be to pick it up and hurl it at someone. I do not know if it was the Irish or the French in me. Likely both of them were coming up to full throttle.

"We had no deal," Mr. Parks said as he looked at me with his poker face and black rimmed glasses.

"Let's get going with," the judge ordered.

"The state calls Mrs. Ball."

Karen came to the front of the courtroom. The girls stayed in their seats. The clerk gave the oath to Karen. The judge directed where to sit. She tested her microphone and then gave her name and address for the record.

The prosecutor began questioning Karen when the judge stepped in.

“Were you in the room when this happen?,” the judge asked Karen

“She was two floors below in the cellar,” I said

The judge gave the prosecutor one of those why-are-you-wasting-my-time looks. She wasn’t there.

"Your honor," Mr. Parks injected. "Mr. Ball did send me a letter mentioning that he was going to use the Justification defense."

The judge looked at Mr. Parks. Karen sat quietly in front of her microphone.

"If Mr. Ball had just called me, we could have worked out a deal."

If I had just called him? If I had just called him, he could denied any memory of the conversation. I had sent the letter certified, return receipt. And in the letter I put my daytime work telephone number. Why had he not called me? Maybe the regional prosecutor's office did not have out going telephone privileges. Frigging pinhead.

"By invoking the justification defense Mr. Ball, you realize you are admitting the incident happen?," the judge said as he glare bored into me.

"Yes, your honor."

"Well, that proves the state's case."

"Your honor. I got this letter this morning. It is an unfounded report from DCYF," I held a copy up towards him unsure if I should hand to him. The judge pointed to the bailiff who came to me from the side. I hand the bailiff a copy, and then gave one to Mr. Parks. They both read the DCYF letter. Karen sat there quietly.

"Mr. Parks?," the judge intoned after reading the DCYF two sentence letter.

"Your honor in the State of New Hampshire vs. Leaf, the High Court found that a parent could be guilty of assault on a custodial child." Mr. Parks held up two copies of the case, one for the bailiff to hand to the judge, one for me. I sat down and read it, worrying that I would take too much time, worrying that I would not be quick enough to find and use what I could in the case. Much like finding a clever retort an hour after you have left the party.

The Leaf case was about a parent with the last name of Leaf. He had planned on spanking his stepson for not doing the family's dishes. The boy had taken them from the table or the kitchen sink and hidden the dirty dishes somewhere out of sight in the house. The stepfather Leaf had planned on giving him three spankings on his bottom, one for each day that the dishes did not get washed. But the boy squirmed resisted and the stepfather

ended up delivered ten blows. The stepfather was convicted of assault and battery. The state Supreme Court upheld the conviction.
Mr. Parks did not have a deal with me over the justification statutes. But due to my certified letter to him, he was prepaid to defend his position against it.

"Mr. Ball?," The judge said after I looked up.

I looked at him aghast. I was too busy thinking of other things when I read the Leaf case to get anything usable out of it. I needed to get back to the DCYF unfounded letter.

"But DCYF filed and unfounded report."

"I don't think that is going away where with this court," the judge informed me.

"But...but, the standard for conviction with DCYF is less than here in court," I replied. For the life of me, I could not remember the word preponderance.

The judge looked at me with his bow tie for a few minutes. Then he spoke.

"Mr. Ball, I find you guilty of simple assault-unprivileged contact."

“What,“ I let out. Oh for crying out loud! Is this crap ever going to end? How can he find me guilty when DCYF did not have a problem. I had hoped to pick up the kids this weekend. I even had a rubber kickball in the trunk. We would go to the playing fields behind the Laundromat in Winchendon. A game of kickball, or dodge ball. Now that was gone for who knows how long. I glared back at the judge. I did not know what he thought he was doing. But I needed to straighten this out right now.

"Notice of appeal," I managed to say in a calm tone that I certainly did not feel. This was not over.

I could not believe that this was not over. I was angry, depressed, pumped up on adrenaline and disgusted. DCYF is a state organization set up under the statutes, paid for by state tax money and the employees retire with a pension from the state. Most of its employees are social workers with master degrees. Their stated mission is to find and aid abused and neglected children. They said that no laws were broken in this case citing a state Supreme Court ruling. And judge bow tie here in his cafeteria with the cheap, ugly paneling was going to blow everyone else off and rule guilty? I had no idea why he had ruled this way. But I would be damned if I let him get away with it.

"What do I need to do to appeal?, I asked the court.

"Oh don't worry about it. We'll take everything here at the court," the judge said. I was confused. He said it in a manner that reminded me of a helpful salesclerk at the hardware store. I did not know what to make of it. I let out a sigh.

"We need to take care of the second count against you first, Mr. Ball. Violating a restraining order. Unless you like to carry that forward with your appeal," the judge said.

This charge I was dreading. The first charge I had a defense. This was defying a court order. The only defense I, or anyone else, was that it was inadvertent. You plead that you had not planned on defying the court's order. It happened by mistake. You basically end up placing yourself at the mercy of the court. I had been dreading

dealing with this charge.

"No. Let's try to get something resolved today, I heard myself say.

The judge looked over to the prosecutor.

"The state would like to drop the charge," Mr. Parks announced

I looked at Mr. Parks. He still had his lucky, powder blue sports coat on. He still was wearing his black rimmed glasses. But his normal poker face was absolutely radiate with joy. He was in a jovial mood. You would think he had gotten laid, won the Power Ball lottery, and been appointed to the Supreme Court all in the last five minutes. And why should not he be? Had not he just gotten a ruling in his favor when he should have lost? He was in a good mood and feeling magnanimous. I could use any break I could get. I would not look this gift horse in the mouth.

"Thank you," I nodded towards him.

A sentence needed to be handed down as a formality. I was appealing and the court had promised to take care of the paperwork. A fine of $1,000. with $500. suspended. Bail conditions remain in place. No jail time. That was good news. On an appeal the other judge can lower the punishment but he could not add more to the lower court's sentence. Jail time was now dead. I did not need to worry about jail time or conviction of violating the restraining order. So at least something got done today.

I looked around for the kids before I left. They and Karen must be in the parking lot. As I started to leave the bailiff by the door held up his hand. I was told to wait for a few minutes before leaving. I sat by the bailiff and his door thinking of my wins and losses. Then I drove home.

The case was transferred to Cheshire Superior Court in the college town of Keene. The courthouse sat at the eleven o'clock position of the common on the north end of the prettiest Main Street in America. The court set a date for spring. In the mean time I got mail from the Public Defenders Office. A lawyer with the unusual name of Hampton Howard was now my attorney. I envisioned a raw rookie fresh out of law school and still suffering from acne. The mail went into the trash.

I showed up in my blazer and tie enjoying the May warmth. Karen was not there. The case was called by the bailiff from the courtroom double door. I entered with a half dozen suited men that I did not know. One man, a bantam sized fellow, shook everyone's hand including myself. His name was Peter Heed. He was the prosecutor. I doubt if the prosecutor is expected to shake the defendant's hand. But he had no way of knowing I was the defendant. I had left my best tee shirt at home.

Mr. Heed and his assistant sat at one table. I sat at the other. A man so tall that he reminded me of my father came over to me. He had white hair and an ageless face. He could have been thirty; he could have been sixty. He asked me my name in a rich, baritone voice. Then he stuck out his hand for a shake. He was Hampton Howard.

That day's hearing was to schedule the trial. After the hearing, Hampton and I got into one of the conference rooms located next to the courtroom. Hampton would be arguing the same things I had argued in the cafeteria courtroom. If he and the prosecutor could agree on a statement of facts about the case, there would be no need for witnesses. The trial would be about law not facts. He would hammer out the statement with prosecutor's

office. That would save everyone time and money.

He also told me that I was not entitled to a public defender because no jail time was in the original sentence.

"So you're not going to be able to represent me?," I asked.

"No, I'm your attorney," said with a smile. "I told Mr. Heed if he didn't bring up the issue with the court, I wouldn't tell you to ask for a jury trial."

I laughed. I was starting to like this guy with the unusual first name.

We talked for a while. He was the first person I had met in the legal community that did not think I was foolish for fighting this charge. He seemed to understand my digging in my heels on principle even if I did not know why. I still had not figured out what was so important about Jim Brown's defiant stand in his courthouse. I just knew that I had to fight.

60

On the way out of the courthouse, I ran into Dave Towers coming in for his business. I gave him the rundown on my new lawyer Hampton.

"You got no idea on how lucky you are," Dave said with a big grin.

"Why's that?"

"Because Hampton doesn't practice law for the money. He does it because he likes it."

Hampton Howard and Mr. Heed were able to fashion a statement of facts over the next few weeks. I would stop into his office on the square in Keene and review what they had agreed upon. The finished draft was filed with the court.

The trial was a small affair. Peter Heed and an assistant prosecutor sat at one table. Hampton and I sat at the other. There was a judge, a court reporter and a bailiff. There was no witnesses. Mr. Heed and Hampton would only argue law. I did not expect the trial would take too long.

The trial was so brief that Mr. Heed and Hampton stood through the whole thing. I sat shielded from the prosecution by Hampton tall frame. The judge shared my side of the courtroom. Mr. Heed and Hampton spoke their arguments.

At one point, the judge asked a question about Melissa's habit of licking things. He wondered if this a one time lark or had it been going on for a while. The prosecutor Mr. Heed started to speak. I tapped Hampton on his arm. He looked at me with horror. I minced holding a toy, licking it and then handing it back to someone else. Then it dawned on me why Hampton looked aghast. He could not listen to Mr. Heed and me at the same time. He was missing everything Mr. Heed was saying by my interruption. But I noticed the judge watching my Marcel Marcou imitation. The court reporter heard Mr. Heed's words. Neither the judge, Hampton nor I heard him.

The trial ended without a summary judgment. The judge would mull the arguments over for a few days and then issue a written judgment. Between the first trial in district court and the second trial with Hampton, I had changed jobs. The new job was also at a Ford garage located two towns south of Jaffrey just over the Massachusetts

border. I was in the parking lot getting the mileage off a car we had just fixed when when the pa announced I had

a telephone call. I went to the service counter and grabbed the phone. It was Hampton Howard.

"I've got good news for you. You've won."

"A not guilty?," I asked.

"Oh no. He's going to continue the case for a year and then dismiss it."

A friend had warned me about this technique the courts use. Rather than put themselves on record as releasing a defendant, they let it sit for a period time, sweep the charge under the rug, and no one's any worse for the wear. The legal community considers this a win for the defendant. My friend believes it is a stain upon your reputation. I whole heartedly agree with my friend.

"Hampton," I said as I rolled my eyes. "THAT'S not a win."

It surprised Hampton. He was quiet for a few seconds and then said, "I don't understand."

Hampton, I'm either a parent or a criminal. But I want an answer," I replied. I would dammed if I was going to get stuck in limbo again. Shades of the old case-cold case. "Besides, Karen has filed for divorce."

"Well, I can file a Motion to Reconsider."

"Please do, Hampton. And thank you.

I hung the phone. I saw my boss, Rick Paine, looking at me.

"More legal stuff, Thunder?," he said with a smile. Thunder was my password into the Ford computer.

I explain to Rick what was going on. When I had first started, Rick told me horror stories of one of the mechanics and the grief he had gone through with this Domestic Violence nonsense. But the mechanic was young and still part of the bar and nightclub scene. Rick thought he might not be getting the entire story. But I was in my late forties when I started working there. Married, pretty much a non drinker, responsible. It was tough to explain away what had happened to me. I looked around the garage. The mechanic was out in his bay. One of the parts guys that had a similar experience was waiting on customer. The other part guy had also gotten mistreated over his divorce from his first wife. I looked at Rick.

"You know, at the rate this crap is going, a guy's going to have a better chance of getting arrested than going to one of his high school proms."

Hampton filed a motion to reconsider. A request for the court to alter its original decision. To do that, a party had to advance some argument. Hampton had one. So back to Superior Court at its eleven o'clock position of the city square. I sat as Hampton stood and argued that I had a constitutional right to a speedy trial under both the federal and state constitutions. A speedy trial has to have a speedy decision. Another year was not close to being speedy. Then Hampton sat down.

The prosecutor, Peter Heed was not there. His assistant manned their table. When Hampton finished the assistant prosecutor waited the polite minute or two. Then he stood up and stated that speedy trail must have a

speedy conclusion if the defendant so wished. The American legal system is adversarial, the parties are expected

to fight with each other. But here was the prosecutor agreeing with us. I had not expected it. Then he sat down.

Judge Arnold was furious. He lit into me like no tomorrow. His glare locked on to me as he lashed out. For the last ten years these Domestic Violence cases were handed off to the mental health people. Then the charges would die silently a quashed/dismissed judgment down the road. The court thus has cover should the defendant turn violent or murderous in the future. The court put him into counseling. It had done its job. And here comes this puke from the sticks and disrupts the flow. Worse yet, the defendant was using the standard clearly set down in the Petition of Jane Doe. Judge Arnold had his name in the case of Jane Doe. He was the state's Attorney General whose office argued the losing side in Jane Doe back in the 1980's. He did not like it then. He damn sure like it now.

But my occupation had well prepared me for him. I write repair orders to fix cars and trucks at a Ford dealership. People come in weekly, sometimes daily, in a livid mood. Their wife wants a divorce. She will probably get the house. The son off at college just got arrested for breaking and entering. Apparently, he had picked up a drug habit on the way to Comparative Literature. His high school daughter is pregnant and going to have the baby. She is in love. His mother is in a nursing home with Alzheimer’s. He hates his job. His boss hates him. And into this volatile mix comes his king-sized SUV with a king-size car payment still under factory warranty. The defroster for the outside passenger mirror does not work. The walk to your service counter, you unsuspecting say hello, and they rip into you with a ferocity that still surprises me to this day.

We in the car business call it venting. You can usually tell the rookies in our business when someone vents on them. They physical back away from the counter and the madman on the other side. We older ones just stand there and let them get it off their chest. We pay attention to the customer as they rage on. We neither make promises nor get into an argument with them. We let them go until their anger moves on. Then we get back to what their complaint is with their vehicle. Most customers are apologetic when they come to retrieve their vehicles at then end of the day. They tell me sorry for what happed this morning. I try to make light of the morning incident. Now that I am divorced, I get the ex-wife into the mix. "You're a rookie compared to my ex, " I tell them. Share a laugh with them as you get them off the hook.

So I was well prepared when Judge Arnold started venting. I never took my eyes off him. My hands remained folded and still on the table in front of me. I was not intimidated by his words and his fury. I did not gloat though I was certain we had him. He had proposed dropping the charge just last month. How could he swing 180 degrees and find me guilty now. But I would not get my hopes up too high yet. The American legal system had defied logic before. But if it was over, then meant I would being visitation with the girls. It had already been over a year.

Hampton and I walked out together. Dismissing the charges were a win in his and the rest of the legal community's eyes. The fact was we went even further. As someone who practice law if an effort to make things better, he must have been pleased. When we got out to the sidewalk he asked me what I was going to do next.

"Sue the police."

Oh, I don't think that's a good idea," with a look bordering on shock.

Hampton had saved me. I doubt if I would have gotten a not guilty from Superior court by myself. I, in turn, had helped him on his quest to bring justice to our American courthouses. The legal community honestly felt that a

helped him on his quest to bring justice to our American courthouses. The legal community honestly felt that a quashed/dismissed was a win for the defendant. Hampton would now see that a not guilty was a win. It would creep into his consciousness. A new standard was starting. A new path was opening up.

We parted company. I got a coffee and then sat in the summer sun on a bench over looking the rotary that they called a square. I was serious about suing the police. I trusted Hampton judgment. But he was thinking inside the box. I had gone way past that. Jim Brown had been right. I still had not figured out why. I had an unfounded report from DCYF. Now I would have a not guilty from the court. If you fight, you win.

I was serious about suing the police. I also planned on taking the prosecutor in the blue sport coat to task for subpoenaing my girls to court. It was clear the legal community was in fear of these feminist groups and their crusade against Domestic Violence. How else could you explain this riding rough shod over men? This was a new game, less than twenty years old, with new rules. Men were caught off guard at the new way things were now done. How could the legal system fear men when these men were too busy defending themselves to fight back? It had been fifteen months since this first started. Now I was at the end of my defensive game. I was free a to go on the offensive. I wonder if this would just be wishful thinking, another dream that quietly dies from inaction. I knew I should go after those who messed with me and my family. The myth that they were protecting my kids had long evaporated from my thoughts. They were protecting themselves. They might criticized should I turn violent in the future. Interesting concept. Guys are not getting arrested for what they do today. They are getting arrested for what they might do tomorrow.

I thought about the kids. I should get the girls back now that the charges are done with. I was sick of the legal system. Tired of judges and lawyers. Bored with courtrooms. Weary from reading law cases late into the night. I deserve a break after this mugging by the legal system. I missed my kids. Money was getting tight. I needed to catch up with my life.

A morning dove landed by the bench and began pecking at a piece of a hot dog roll. I thought of the mystery of Jim Brown. I owed that guy. I could have rolled over and played dead that the legal system wanted me to do. But I would have spent the rest of my life wondering, "What if?" I had gotten out of this with my reputation and honor dented but intact. But I was tired. Maybe I should pass on going on the offense. I looked at the bird.

"Nah. Time for me to be the jerk."