

Schumer's 'No Kings Act' Challenges the Sacrosanct Judiciary – While Giving Hope to Mothers

If we've learned anything from Schumer's courageous act to overturn a jaded Supreme Court decision, it is to stop telling mothers that they are stuck in the judicial branch,

BY AMY NEUSTEIN, PH.D. & MICHELLE ETLIN • COMMENTARY • AUGUST 5, 2024



Senate Majority Leader Chuck Schumer recently introduced legislation titled 'No Kings Act,' reaffirming that presidents of the United States do not have immunity for criminal actions. This was an attempt to invalidate/reverse the Supreme Court's landmark decision handed down last month that allowed former President Donald Trump to be exempt from criminal prosecution for his role in the infamous January 6th assault on our nation's capital.

The 'No Kings Act' appropriately drew its name from Supreme Court Justice Sonia Sotomayor's dissenting opinion. In railing against the majority, Sotomayor said of her colleagues on the bench that they were permitting a president to become a "king above the law," in their ruling that severely limited the scope of criminal charges against the former president for his role in the January 6, 2021 riot at the US Capitol to try to overturn the November, 2020 election results. Envisioning the patent injustice of such a ruling, Schumer did not waste any time. He quickly introduced legislation on the floor of the US Senate in an attempt to override this decision.

Introducing legislation to reverse a Supreme Court ruling is rare since it challenges the Separation of Powers doctrine, giving equal but separate authority to the three branches of government as set forth in the US Constitution; namely, the legislative branch makes the law, the executive branch enforces the law, and the judicial branch interprets the law.

Separation of Powers is at the core of our democracy, wisely preventing the arrogation of power of one branch of government over another. But Schumer's extraordinary step to introduce the "No Kings Act" in the US Senate serves as a clarion call that the judicial branch of government has behaved recklessly and reprehensibly, placing American democracy on the altar of civic shame. Yet, this doctrine not only impacts the President of the US. It also impacts mothers.

The executive branch, namely the Department of Justice (DOJ) and the Department of Health and Human Services (HHS), must intervene forthwith. And they can. In a recent Women's eNews piece ("Mothers' Vote" May Be Key to Kamala Harris Winning Nomination – and Defeating Trump – Women's eNews ([womensnews.org](https://www.womensnews.org)) we stated: "[W]e've found in our four-decade study of the American family courts that judges blithely ignore the behests of mothers to protect their children from injury and death. The fate of their children in the hands of abusive fathers – suicide, homicide, self-mutilation, and early onset anorexia – can no longer be excused as an isolated case of poor judicial decision making." Specifically, children are dying because the courts are proving, in case after case, that they are giving custody of young children to men who are active drug-users, and alcoholics, while also being violent and sexually and physically abusive to their young children.

In contrast, most mothers who have lost custody have no history of drug use, nor are they mentally unfit or unloving toward their children. In fact, they frequently become victims of extortion, forced to financially support the corrupt visitation racket that has nested in the family courts.

This malady in the family courts dates back to the mid-80s when fathers' rights groups first began to widely circulate the fallacy that mothers lie about the abuse of their children by the other parent in order to retain custody. Though the professional literature has repeatedly debunked this falsehood, the courts still maintain that women lie.

In a landmark 1988 study by the American Bar Association, in cooperation with the Association of Family and Conciliation Courts, its authors (Nicholson and Bulkley) issued a report on an in-depth investigation of allegations of child sexual abuse made in the context of custody and visitation proceedings. They concluded: "[d]eliberately false allegations made to influence the custody decision or to hurt an ex-spouse do happen, but they are viewed by knowledgeable professionals as rarities" (Nicholson, E. B., and Bulkley, J. (eds.) (1988). *Sexual Abuse Allegations in Custody and Visitation Cases*. Washington, D.C.: American Bar Association, p. 17).

Nearly a decade later, similar results were published in a highly respected treatise for lawyers. The *American Jurisprudence Proof of Facts* (3rd ed., 1995), after thoroughly analyzing all sides of the custody/abuse debate, concluded: "[C]oaching is not a common occurrence in custody cases involving child sexual allegations" (*American Jurisprudence Proof of Facts*, 3rd ed., vol. 33, section 303, p. 327)

Indiana University criminology professor Hal Pepinsky – who received his JD from Harvard and his Ph.D. in sociology from University of Pennsylvania – revealed the underlying purpose for maintaining such tainted views about mothers in the family courts – namely, mothers are accused of "lying" even when the abuse is corroborated by doctors, teachers, and therapists. Writing in *National Women's Studies Association Journal* (Vol. 18, No.1, Spring 2006), Pepinsky stated: "The problem is deeper in that I see evidence, time and again, indicating that many of the horrendous decisions [in family court] reflect pedophilic...rings of abuse and mutual cover-up" (*Professor Hal Pepinsky's review of From Madness to Mutiny*, NWSA Journal, Volume 18, Number 1, Spring 2006, pp. 230-232 (Review), published by Johns Hopkins University Press, p. 232: [pepinsky.pdf](https://www.pepinsky.pdf) ([amyneustein.com](https://www.amyneustein.com)))

Pepinsky's views of organized child-sex trafficking bred in a family court environment that habitually destroys a mother's credibility in order to carry out this plan are by no means atypical. In the 90s, Washington heavyweight firm Verner Lipfert co-authored a memorandum to then Attorney General Janet Reno on how children become vulnerable to child exploitation when mothers appeal to the family courts to protect their children from abusive ex-spouses and partners (Neustein, A., Burton, J.R., and Quirk, S.A. (1993). "Concerning the Plight of Children in Cases of Parental Abuse." Memorandum to U.S. Attorney General Janet Reno, Washington, D.C.: American Coalition for Abuse Awareness). In response, Reno sent two of her deputies from the Child Exploitation and Obscenity Section, Patricia A. Toth and J. Robert Flores, to meet with then New York State Senator David A. Paterson's chief legislative aide at the United States Attorney's Office at the Eastern District of New York. Though Toth and Flores were enthusiastic about going forward, an investigation did not ensue because at that time there were insufficient victim-witnesses to support a successful prosecution of the courts for child sex-trafficking.

As the decades rolled along, the mothers trapped in the sordid family courts became larger in number. The child deaths – via homicide, suicide, and neglect – rolled up too, and so did the mothers who took their lives. Witnessing the next generation of mothers fall victim to the perilous conditions of family court – certainly an uptick in the number of victims when compared with prior decades – we decided to revive our efforts to enlist the help of the US Department of Justice. Perhaps most strikingly, we saw a pattern that we hadn't seen in prior decades: in almost every case the sexually abusive father who was rewarded with custody was also known to the courts as a drug-abuser (whereas the mothers were free of any drug history or mental illness), an owner of weapons (sometimes unregistered), and a person with a criminal history. And the children showed signs of conditioning and, sometimes, having been used in child pornography once transferred to their father's custody.

In collecting case files, it became apparent to us that there were a number of overlapping principal players (namely, judges, law guardians, and expert witnesses) involved when children were used for pornography. Here is an example:

Insider reported in May 2023 about a San Diego father who was arrested for possession of child pornography when his ex-wife reported to the police her discovery of "thousands of [the father's] photos and videos including explicit images of their three...children". The mother found these incriminating images in a cloud storage account she'd once shared with her ex-husband. The mother had lost custody of all three children in 2017 after she reported to the court that her oldest child, a then-12 year old boy, had revealed in therapy that he had been forced by the father to perform lewd acts since he was seven years of age. So, the children had already been living with the father when he photographed and filmed them in pornographic poses (Olivia Gentile, "Her Son Said Her Ex Sexually Abused Him. Then She Lost Custody." *Insider*, May 18, 2023. [Her Son Said Her Ex Sexually Abused Him. Then She Lost Custody](https://www.insider.com/her-son-said-her-ex-sexually-abused-him-then-she-lost-custody). (typeinvestigations.org))

Yet, even after the father's arrest, the family court refused to give the children back to the mother's permanent custody. Instead, they gave "temporary" custody to the mother pending the father's criminal trial for manufacturing pornography of his own children.

In this San Diego family court case where the children were sent to live with the father who took pornographic videos and still shots of them, we recognized the names of the judges and referees that had been involved. We had learned of other cases wherein these same court players had been routinely stripping mothers of custody of their children and placing them with the sexually abusive parent. One might ask, in how many cases has the custodial transfer of abused children to their abusive parent involved the manufacturing and distribution of pornography? An arrest of one father by the state prosecutor does not solve the problem. It does not even address this criminal network operating in the family courts wherein children are systematically placed in the custody of the sexually abusive father. In this case reported in *Insider*, the children thankfully were saved because the mother had serendipitously found the pornographic images the father took of them. But how many other children remain in grave peril because the mothers weren't fortunate to find evidence of that kind?

All things considered, such distressing signs of a crime network operating in the courts must be laid at the feet of Attorney General Merrick Garland.

We therefore would like to pose the following questions:

Why are these drug-abusing fathers, many of whom own unregistered semi-automatic rifles and belong to neo-Nazi White supremacist hate groups, getting custody or liberal unsupervised visitation of such young children, including nursing infants, when there is a history of spousal violence and sexual abuse of the children?

Why are drug-abusers, some of whom in addition to using illegal drugs sell or distribute drugs, the kings of the family court – being served obsequiously by the judges who cater to their every whim? (See "Family Courts as Conduits to Child-Sex Trafficking – Concomitant with Possession, Use, and Sale of Illegal Drugs, Affiliations with White Supremacist Neo-Nazi hate groups, and Illegal Possession of Firearms – In the Active Drug Trade Hubs in the U.S., July 8, 2024, pp. 1-18.)

Why are mothers continually threatened with loss of sparse visitation privileges – the only remaining thread of contact left with their children – if they try to appeal the judge's decision to a higher court? (See, Amy Neustein and Michael Leshner, "From Madness to Mutiny: Why Mothers are Running from the Family Courts – and What Can be Done about It, 2nd Edition," forthcoming, endnote 64).

Why are mothers threatened with incarceration and fines for contempt of court if they try to present credible evidence of physical and sexual abuse to the court? (See Amy Neustein and Michael Leshner, "From Madness to Mutiny: Why Mothers are Running from the Family Courts – and What Can be Done about It" first edition (2005/2006), pp. 51-52; 64-74).

Why are courts extorting life savings of mothers to pay the court-contracting visitation centers to allow them to see their children? (See Amy Neustein, "Mothers Who Report Abuse Still Losing Custody at 'Staggering Rates'", *Washington Jewish Week*, August 31, 2022: [Mothers who report abuse still losing custody 'at staggering rates' – Washington Jewish Week](https://www.washingtonjewishweek.com/mothers-who-report-abuse-still-losing-custody-at-staggering-rates/))

Why are sexually abused children so often after being transferred to their father's custody showing signs of "grooming" for child erotica? (See, [Letter from Jeremiah B. McKenna, former chief counsel to New York State Senate, Select Committee on Crime, to George Burgasser, Acting Director, Child Exploitation and Obscenity Division, U.S. Department of Justice, September 16, 1994:mckenna-letter-to-doj.pdf](https://www.amyneustein.com/letter-from-jeremiah-b-mckenna-former-chief-counsel-to-new-york-state-senate-select-committee-on-crime-to-george-burgasser-acting-director-child-exploitation-and-obscenity-division-us-department-of-justice-september-16-1994-mckenna-letter-to-doj.pdf) ([amyneustein.com](https://www.amyneustein.com)))

And, finally, why have we lost so many children to homicide at the hands of the violent, substance-abusing father to whom the court had given primary custody or liberal overnight visitation? (See "Findings" section of VAWA – Violence Against Women's Act – cited in Amy Neustein and Michelle Etlin: [One group of mothers who need Kamala Harris's help – and will give her their votes](https://www.amyneustein.com/one-group-of-mothers-who-need-kamala-harris-help-will-give-her-their-votes) | *Pittsburgh Post-Gazette*)

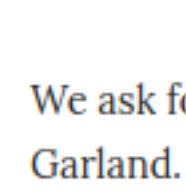
Many advocates for mothers have tried to find answers to these disturbing questions. However, we may have found the cause. Sociologically, we're witnessing a strong correlation between the incidence of deadly family court decisions and geographic factors. That is, in those counties where illegal drug-trade is most active, children are more often seized from their nurturing mothers and handed to the drug-addicted, violent and sexually abusive fathers, many of whom have a history of DUIs, disorderly conduct, aggressive assault toward persons other than the intimate partner, and other criminal charges likewise.

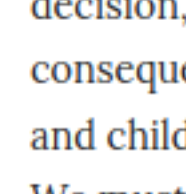
Given these ominous conditions pervading our nation's family courts, do we still want to throw up the defense of "separation of powers" when mothers are knocking on the doors of politicians and advocacy groups, begging for the Justice Department to intervene? Would it not be better to draw inspiration from Schumer's "No Kings Act" which denudes the judicial branch of its untouchable, inviolable status because it has proven to be a shill to the lawless Trump supporters who commandeered our nation's Capital on January 6th?

We ask for all politicians and advocates to join us in our quest to reach Attorney General Merrick Garland. If we've learned anything from Schumer's courageous act to overturn a jaded Supreme Court decision, it is to stop telling mothers that they are stuck in the judicial branch, suffering the brutal consequences of what appears to be the arrogation of courts by the venal forces of illegal drug trade and child-sex trafficking that have made the family courts treacherously dangerous to inhabit. We must expose the family courts to the rigor of a Justice Department investigation. And we must not wait. Schumer didn't wait in his challenge of the judiciary by soliciting the help of another branch of government, so why should we?

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