

Allegorical economics: The gerrymander shuffle (part 4)

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"Political gerrymandering makes the incentive for most members of Congress to play to the extremes of their base rather than to the center."

—Barack Obama, 44th President of the United States of America

Gerrymandering is the practice of manipulating the boundaries of an electoral constituency in order to favor one party or class. In the United States, Gerrymandering has been practiced since the founding of the country in order to strengthen certain political interests within the House of Representatives. Recently, in the Federal lawsuit of *Gill v. Whitford*, the plaintiffs alleged that voting districts were Gerrymandered unconstitutionally. The court found that the unequal treatment of Democratic and Republican voters violated the First and Fourteenth Amendments to the U.S. Constitution. Meanwhile, an anti-Gerrymandering coalition has been organized in Michigan. Common Cause Michigan (CCM) is a non-profit, nonpartisan advocacy organization that seeks to ensure that public officials and public institutions are both accountable and responsive to citizens. It will advocate for the passage of "Voters Not Politicians," a Michigan-initiated anti-Gerrymandering Constitutional Amendment (voter-snotpoliticians.com). This initiative hopes to create an independent redistricting commission while "removing the ability of legislators to draw district lines for partisan gain and handpick their constituents to ensure their reelection" (www.commoncauses.org/newswire/2018/01/26/).

In addition, State Representatives Jeremy Moss (D) of Southfield and Jon Hoadley (D) of Kalamazoo recently reintroduced legislation that they assert would end Gerrymandering in Michigan by creating a nonpartisan commission. Instead of State Legislators, this new group would have the responsibility to draw boundary lines.

Gerrymandering Defined

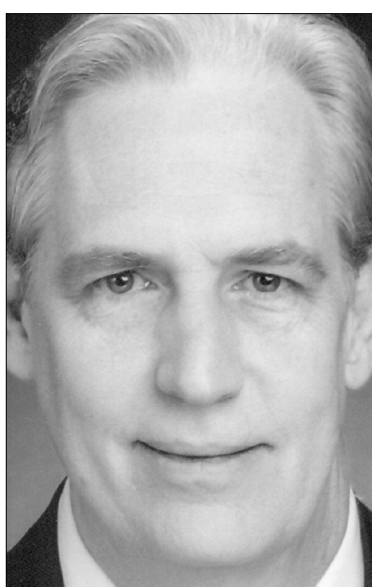
The term Gerrymander originated in the early 19th century as a hybrid of the name of Massachusetts Governor Elbridge Gerry and the word salamander. The name was coined to describe the supposed similarity between a salamander and the shape of a new voting district that was drawn on a map and that took effect while Governor Gerry held office in 1812.

Today, Gerrymandering may emerge through the decennial Redistricting Process that takes place in the United States. Our Census of the Population provides the measure for determining the population-distribution throughout the states. This census data is employed on the Federal level to allocate the 435 seats of the U.S. House of Representatives equitably among the fifty states. Once the decennial census has been completed, each state has the responsibility for redrawing its district borders in order to ensure equal levels of population within the districts in the state. As a result, the potential for Gerrymandering surfaces at the state level.

Michigan is one of more than thirty states in which the legislature retains the responsibility for redrawing Federal and State voting districts. Therefore, the majority party in the State Legislature controls the determination of district boundaries. This power has often resulted in Gerrymandered districts such as the following one in Southeast Michigan.



Typically, the majority party may attempt to manipulate the shapes of districts in order to create a more favorable map to help its party in future elections. Occasionally, the "art" of Gerrymandering results in odd-shaped districts, as politicians draw lines in order to maximize their electoral potential. Matt Grossmann, a professor of Political Science at Michigan State University,



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explains, "You're trying to elect as many people from your party and as few people from the other party" (Capital News Service, 15 March 2015). If state districts can be Gerrymandered effectively, then the dominant political party may win a number of seats, disproportionately reflecting the total of votes for their party statewide.

In Michigan and the other states to the west of the original thirteen, maps are drawn generally in accordance with acceptable population-variance by using counties as the "basic building blocks" of these legislative districts. However, we note that state citizens often exhibit politico-socio-economic preference as to their place of residence. This practice results in a self-clustering of the population.

Back to Our Roots

Benjamin Franklin, George Washington, John Adams, Alexander Hamilton, Thomas Jefferson, and James Madison formed the core of the early leadership of the United States of America. In specificity to our current topic, let us consider Franklin and Jefferson. Historical records indicate that Jefferson liked and respected Franklin. Furthermore, these two polymaths shared a deep love of, and genius for, experimental science. Jefferson owned copies of numerous scientific treatises written by Franklin, a man who promoted and contributed to the useful sciences of mankind. Both men had a strong interest in the development of the compass and related tools for surveying the new country.

As well as excelling in multiple fields of study, both Franklin and Jefferson had a fascination for squares and grids. Franklin wrote about his self-amusement in the creation of Magic Squares. In 1771, he stated that, during sessions of the Continental Congress, "I was at length tired with sitting there to hear debates, in which, as clerk, I could take no part, and which were of so entertaining that I was induced to amuse myself with making magic squares..." (The Autobiography of Benjamin Franklin, 1793, reprinted by Dover, 1996).

Franklin referred to Magic Squares, which also are known as normal magic squares (math-world.wolfram.com). These squares date back to Emperor Yu the Great of China in around 3000 BCE and as later detailed by Yang Hui in his book "The Continuation of Ancient Mathematical Method for Elucidating the Strange Properties of Numbers," which was first published around 1275 CE. In modern times, such squares have been generalized in numerous ways, including the multiplication of, rather than the addition of, cells and the replacement of numbers with geometric operations. Perhaps we may find a solution to the conundrum of Gerrymandering through the work and play of Franklin and Jefferson as we consider square-mile grids and townships for the basis of redistricting.

In the following tutorial, we focus on the simple, additive 3 x 3 square along with the 6 x 6 square as used in the township design created by Thomas Jefferson for his application of the "grid" survey to the growing United States west of the Appalachians. This grid divided land into plots one mile square, each consisting of 640 acres. The grid forms the lattice-work that divides fields, forests, and small towns of America into perfect square-mile sections. This plan allowed for the assemblage of 36 square-mile sections into townships and multiple townships into counties. In 1785, Jefferson drafted his survey into an ordinance to extend government authority across the Mississippi (See SASE, Back Page)

THE EXPERT WITNESS

The therapist as judge, jury, and executioner

By MICHAEL G. BROCK

"Mark you this, Bassanio, The devil can cite Scripture for his purpose."

An evil soul producing holy witness

Is like a villain with a smiling cheek,

A goodly apple rotten at the heart.

Oh, what a goodly outside falsehood hath!"

—Antonio
The Merchant of Venice, Act I,
Scene iii
(William Shakespeare)

Definition: Usurpation, "The unjustly intruding upon or exercising any office, franchise, or liberty belonging to another."

—Black's Law Dictionary, 2nd Edition

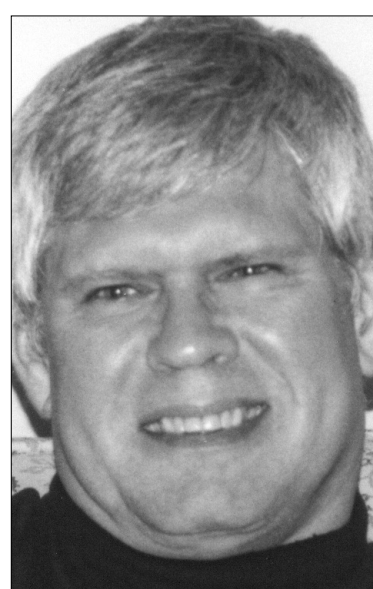
An ideologue—one who thinks ideologically—can't lose. He can't lose because his answer, his interpretation have been determined in advance of the particular experience or observation. They are derived from the ideology, and are not subject to the facts. There is no possible argument, observation or experiment that could disprove a firm ideological belief for the very simple reason that an ideologue will not accept any argument, observation or experiment as constituting disproof.

—James Burnham
The Suicide of the West
(p. 108)

Somewhere in America, today, somewhere in Michigan, or most likely, in several places in Michigan, Court is in session. The presiding Judge is not really a Judge and has no legal training. He is not even a lawyer, nor has he made any effort to study the applicable law. Nonetheless, there are no laws or (enforced) ethics codes preventing him from trying this type of case. It has not occurred to him, or even to much of the legal community that it is wrong for him to do so, so why should he concern himself? He doesn't even call this a Court, but it is very much a Court of law, and the stakes are very high. At issue is the termination of parental rights.

Whose parental rights? Yours, and you probably didn't even know about this trial. Even if you had been informed, you wouldn't be welcome. These trials work far better if the accused is not present. He probably would want to give testimony on his own behalf, and that is not really necessary. There is no need for due process in this Court. The Judge already knows what has happened and has all the evidence necessary to make an informed decision. (S)he knows this because (s)he has heard the accuser's side of the story. There is no reason not to assume that everything the accuser says is the truth. The fact that the Judge has a prior advocacy relationship with the accuser, and is being paid by the accuser for his work on this case is really irrelevant to the process. The end will justify the means. And the end is—everyone will agree on this—of the utmost importance. It is the protection of our children from abuse.

The accuser will inform the Judge of the details of abuse disclosed to (her)him so that the Judge will know what questions to ask to get the facts from the child. The child will be a little reluctant to disclose the abuse at first, despite the fact that (s)he has been well prepared by the accuser for the Judge's questions. There is no need for a prosecutor or defense counsel in this Court; the inquisitorial style legal system really works better for the intended purpose. However, as a courtesy the Judge might keep the accuser's counsel informed, or even take a few suggestions regarding what evidence is necessary for a change of custody and how the necessary evidence might



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best be obtained. The accuser's counsel might also advise the Judge regarding the use of certain legal terms, such as "the best interests of the child." This is reasonable since Therapy Court Judges are not generally familiar with legal terminology or procedure.

On the basis of the accuser's testimony, the Judge makes a presumption that the child has been abused. (It is, after all, standard and proper therapeutic practice to accept a presenting parent's statements as truthful.) Once the key witness, is willing to testify to your guilt, the Judge can send the case to a duly elected Court and the matter can be formalized. There is no need to keep an accurate record of these proceedings because the formal Court will do this in the process of confirming Therapy Court's findings. At the start of the process the Judge makes a finding of fact regarding what the child's problem is, including the likely cause of that problem (i.e., trauma from sexual abuse) and writes that conclusion in the record in the form of a diagnosis. Any definition of a medical (including mental health) diagnosis will state that it is a conclusion as to the nature and cause of a medical condition, to wit:

Webster's New World Medical Dictionary: Second Edition: Diagnosis: 1. The nature of a disease; the identification of an illness. 2. A conclusion or decision reached by diagnosis. The diagnosis is rabies. 3. The identification of any problem. The diagnosis was a plugged IV. The word diagnosis comes directly from the Greek, but the meaning has been changed. To the Greeks a diagnosis meant specifically a "discrimination, a distinguishing, or a discerning between two possibilities." Today, in medicine that corresponds more closely to a differential diagnosis.

Differential diagnosis: The process of weighing the probability of one disease versus that of other diseases possibly accounting for a patient's illness. The differential diagnosis of rhinitis (a runny nose) includes allergic rhinitis (hay fever), the abuse of nasal decongestants and, of course, the common cold. The American Heritage Stedman's Medical Dictionary: Di-ag-no-sis (d?-'g-n?'s?) n., pl. -ses (-s?z). Medicine. The act or process of identifying or determining the nature and cause of a disease or injury through evaluation of patient history, examination, and review of laboratory data. The opinion derived from such an evaluation.

Note: A differential diagnosis, also known as an alternative hypothesis, is not deemed necessary in Therapy Court, where both the condition and cause are considered obvious, although it is a routine part of a forensic interview. This is a major difference between Therapy Court and forensic interviewing, which is both proper for use in the courtroom and best practice for anyone interviewing a child in these circumstances, it is also the lawful way to interview a child suspected of being abused in Michigan.¹ It is

also noted on the first page of the text of Michigan's Protocol for Interviewing Children Suspected of Being Abused that children should not be forensically interviewed by a treatment therapist. Rather, forensic interviewing is separate role with its own rules:

"Although information obtained from an investigative interview might be useful for making treatment decisions, the interview is not part of a treatment process. Forensic interviews should not be conducted by professionals who have an on-going or a planned therapeutic relationship with the child."² Protocol author, Debra Poole PhD, professor of psychology at Central Michigan University, added these recommendations in her recent book or forensic interviewing: "Clinicians providing treatment can inadvertently harm the credibility of children's allegations when they cross over into a forensic role by mining for disclosures or assuming an investigative role following disclosures."³

This is nothing new. The recommendation of not mixing treatment and forensic roles was included in the first version of the forensic interviewing protocol in 1998, and was accepted as best practice long before that. It is also recommended as best practice not to mix forensic and treatment roles in virtually every ethics code regarding mental health practice, for example: American Counseling Association Code of Ethics. E.13.c. "Client Evaluation Prohibited Counselors do not evaluate current or former [treatment] clients, clients' romantic partners, or clients' family members for forensic purposes. Counselors do not counsel individuals they are evaluating."⁴ Forensic Evaluation is defined as: "The process of forming professional opinions for Court or other legal proceedings, based on professional knowledge and expertise, and supported by appropriate data."

Not all mental health codes address forensic practice specifically, but the ones that do are very clear about the separation of this role from that of counselor. For example, the 2011 American Psychological Association's (APA) specialty guidelines for forensic psychology clearly states: 4.02.01 Therapeutic-Forensic Role Conflicts Providing forensic and therapeutic psychological services to the same individual or closely related individuals involves multiple relationships that may impair objectivity and/or cause exploitation or other harm. Therefore, when requested or ordered to provide either concurrent or sequential forensic and therapeutic services, forensic practitioners are encouraged to disclose the potential risk and make reasonable efforts to refer the request to another qualified provider. If referral is not possible, the forensic practitioner is encouraged to consider the risks and benefits to all parties and to the legal system or entity likely to be impacted, the possibility of separating each service widely in time, seeking judicial review and direction, and consulting with knowledgeable colleagues. When providing both forensic and therapeutic services, forensic practitioners seek to minimize the potential negative effects of this circumstance (EPPCC Standard 3.05).⁵

Moreover all ethics codes call for avoiding dual and conflicting roles, and the consensus in forensic literature is that there is in most instances an irreconcilable conflict between treatment and forensic roles. The reason for this should be clear: a therapist has a fiduciary responsibility to his treatment client. He can't both seek his client's best interests and hold himself out as a neutral party capable of advising the Court regarding matters in which his client's interests may interfere with those of another party. He is

also very unlikely to have sufficient objective knowledge to make an informed recommendation. For example, when a counselor is treating a child, a substantial portion of the information a therapist has about the child is from whoever presents the child for treatment. One side of an argument is extremely persuasive, and children can and do tell very different stories depending on who brings them, as anyone who has ever done a custody evaluation can tell you.

The one exception where a therapist might have sufficient information regarding a therapy client to provide an informed opinion is when he or she is doing marriage or family counseling, and is being asked by a Judge for a custody recommendation. This is, in my view, unconscionable, but it happens. It is for this reason that Michigan law requires all parties over the age of 18 to sign off on releasing information to the Court under these circumstances, but I've heard of cases where pressure was brought upon the parties to sign—or else!

Strange as it may seem, a lot of Judges just don't realize the magnitude of the ethics violation they are requesting or ordering when they do this. The proper way to handle this is for the Judge to appoint a custody evaluator, but they may feel it would be cheaper and/or more expedient to obtain the information from someone who already has it, even if it presents a conflict for that person. However, most Judges, when informed that that they are requesting constitutes an egregious violation of ethics, will retract the request. I've never been asked to provide a recommendation for a couple or a family I was counseling, but I wouldn't, even if I had an opinion. I would go to Court and say, "I think it's a tossup, 50/50. They are both such wonderful people I could not make up my mind."

In a custody case that has abuse allegations connected with it, there is no inherent conflict of interest for the evaluator to do a forensic interview as part of the custody evaluation, as these roles are both for the purpose of providing evidence to the Court and do not involve dual and conflicting roles. James Bow et, al (2002)⁶ pointed this out some time back, but he also stressed the importance of utilizing a protocol (such as that created by Poole and Lamb) as a way of insuring that the results would be reliable: "In terms of assessing the allegations of sexual abuse and sexual offending, respondents [to his survey] seemed to struggle. Although they reported assessing many of the critical areas found in sexual abuse and sexual offending protocols, only about one third actually used a formal protocol, model, or guidelines. Most respondents indicated that they developed their own protocols. Furthermore, in the assessment of the alleged sexual perpetrator, specialized questionnaires or inventories were infrequently used, and when used, were sometimes inappropriate. The infrequent use of formal, standardized protocols/guidelines with alleged victims and perpetrators along with the infrequent or inappropriate use of some instruments with the alleged perpetrator raises serious questions, especially regarding the defensibility of findings and practice in a Court of law. In addition, respondents ranked the interviews with the alleged victim and alleged perpetrator as the most important data sources, which further highlight the need for legally defensible interviews. The apparent need for comprehensive practice guidelines suggests that APA should take a leadership role in formally endorsing guidelines for assessing allegations of sexual abuse and sexual offending, especially in conjunction with child custody disputes."

The APA has yet to recom-

mend, require, or develop a protocol for forensic interviewing, such as the one they have for conducting child custody evaluations,¹⁰ despite the recommendations of Bow and others, and the fact that research in the field has been spearheaded by its members (such as Ceci, Bruch, Kuehnle and Poole). But if those highly educated and experienced in the field of forensics are likely to overestimate their abilities and underperform in their attempts to provide useful evidence to the Courts in this area, it is even more the case when these efforts are made by treatment professionals who have no idea where to draw the line between forensic and treatment practice. A proper forensic interview involves listening more than talking, letting the child take the lead, rather than leading the child to answers we already know, and impartial neutrality, rather than that of a crime fighter whose job is to "crack the case." Trained forensic interviewers have trouble making these distinctions; therapists don't have a chance...

Meanwhile, back in Therapy Court, the Judge will then want to question the key witness, which is of course the child who has been abused. He knows what the child has to say, but getting him to say it is sometimes difficult; children who have been abused are often reluctant to disclose, a fact we are very familiar with from anecdotal evidence (acceptable in Therapy Court in place of forensic research, which cannot always be relied upon to support intuitive supposition). Moreover, we also know from anecdotal reports that children never lie about something this important, and the child has, after all, disclosed this evidence to the accuser. So it is often necessary to dig for the evidence, to ask the child the same questions repeatedly, in a leading manner, and over a long period of time in order to encourage the child to disclose the abuse; and by telling him that children often tell the Judge about these things and the Judge knows how difficult it is to talk about it, but that the child will feel much better once she has.

The Judge is very sensitive to the child's needs, helps the child remember if the details of what he told the accuser are a little vague, and rewards the child with a "good for you!" when the child has finally worked up the courage to disclose. He will encourage the child, who is now convinced of the truth of the disclosure, never to back down from confronting the perpetrator of this horrible crime, "empower" the child by teaching him confrontation skills, and let him know that the Judge will do everything he can to see that the perpetrator never again has the opportunity to hurt him.

Once the child has disclosed, the Judge truly has all the proof that any Court would ever need to confirm the verdict he made at the beginning of the process with his diagnosis of PTSD (He hasn't been to war yet, so this has to be a reference to the effects of abuse.). It is then time to reach a conclusion of law. The Judge's ruling is that the child needs to be kept from contact with the guilty party (often times the accuser's ex-spouse by some odd coincidence) permanently; that the parental rights of the accused need to be terminated. Therapy Court will make this ruling in the form of a recommendation (but who is going to dispute it?), then refer the case on to Child Protective Services and the formal Court for the necessary confirmation, having saved the Court much time and expense, as well as the difficulty of trying to obtain proper forensic evidence and weighing this evidence during a standard, due process, adversarial type of trial. In the formal proceeding it is sufficient for the child to reiterate

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River and the Great Lakes regions. Furthermore, he suggested that this new grid-system would be less confusing than the “metes-and-bounds” method applied in the original thirteen colonies. The Land Ordinance of 1785 was the first of its kind in America and continues to affect urban, suburban, and farmland planning to the present day.

Congress passed the subsequent Land Act of May 18, 1796. It provided that “sections shall be numbered, respectively, beginning with number one in the northeast section, and proceeding west and east alternately, through the township, with progressive numbers till the thirty-sixth be completed.” The initial survey of Michigan commenced in 1815, with the Federal government contracting Douglass Houghton, Bela Hubbard, and other surveyors. The crews here usually conducted surveys in the winter because their line of sight was less hampered and they could walk across frozen lakes and ponds.

Per the 1796 Act, Michigan townships measured six miles by six miles. The survey of townships commenced at the crossing of the Michigan-Ohio Meridian, which remains apparent as Meridian Road east of Lansing, and the state Baseline, also known as Eight Mile Road. The origin point of these axes lies in a wooded area twelve miles north of Jackson, MI.

A “standard” county in the lower peninsula of Michigan contains 16 townships in a four-township-by-four-township configuration. However, the layout of the state contains a number of exceptions to this rule due to the establishment of early cities that predated the survey as well as the

counties along the coast of the lakes. In respect to rectangular counties, examples include Oakland County, which contains 25 townships, and Calhoun County (between the cities of Jackson and Kalamazoo), which is composed of 20 townships.

Preliminaries

The decennial Census of the United States is mandated by Article I, Section 2 of the U. S. Constitution. This Article notes that Representatives and direct Taxes shall be apportioned among the several States according to their respective Numbers within every subsequent Term of Ten Years. The next census, which is scheduled for 2020, will be conducted largely by using the Internet.

Following our Jeffersonian line of thought, we will be able to use data from the digitally stored Census of the Population. Aggregate statistical data derived from the census is released as soon as it becomes available. Generally, the Census Bureau makes data available at the Tract level with a varying number of Tracts, depending on population density. For example, Oakland County has twenty-five Townships with between two and more than fifty Tracts per Township. However, for serious research and applications such as determining voting districts, data may be obtained in smaller units as long as summaries contain a large enough number of individuals so as not to violate personal confidentiality.

A Tutorial on Magic Squares

Our Magic Squares contain whole numbers of one to two digits. However, larger Squares may contain larger numbers. In using the Squares to equalize population, we may replace these ordinal whole-numbers with census-val-

ues while maintaining an acceptable level of variance. We can substitute mathematical algorithms to express population density in the Squares. This technique may help us to achieve higher degrees of precision. Nevertheless, we will keep our illustrative examples as simple as possible for the benefit of our wider readership within the community of Law.

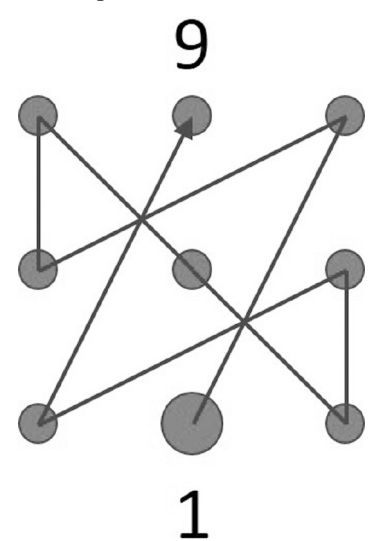
Let us start with the simple 3x3 “Saturn” Square. Through rotations and reflections, we can produce eight outcome variations. In addition to the simplicity of the Saturn Square, we can extend it to create the 6x6 “Sun” Square of 36 square miles.

Following the progression for numbering implemented in the Jeffersonian survey-plan discussed above, the sequence of nine values commences at the top-right corner and concludes at the lower-left. If we add the digits in each of the three rows, we obtain the unequal sums of 6, 15, and 24. Similarly for the columns, we obtain sums of 16, 15, and 14, though the sums of the rightward and leftward diagonals both equal 15.

3	2	1
4	5	6
9	8	7

In order to determine eight equal sums, we need to rearrange the nine values in our Magic Square. We move the “1” to the middle of the bottom row, the

“2” to the upper-right corner, and so forth in order to follow the inscribed path that starts at “1” and ends at “9” at the middle of the top row.



In performing this operation, we have rearranged the nine sub-squares. This action produces eight sets of three numbers, for which each of the sums all equal one another with a value of “15.” If our goal is to construct three districts of equal size, we have two feasible sets of nonrepeating values. Of course, the “population” residing in each of the sub-squares would not need to move. The “residents” of each sub-square would be assigned to a meta-district for voting such that

4	9	2	Σ = 15
3	5	7	Σ = 15
8	1	6	Σ = 15
Σ	Σ	Σ	
15	15	15	

the population of “4,” “9,” and “2” would be members of the same district. If the population shifts from one decennial census to the next, reassignments can be made easily without creating one of the Governor Gerry salamanders.

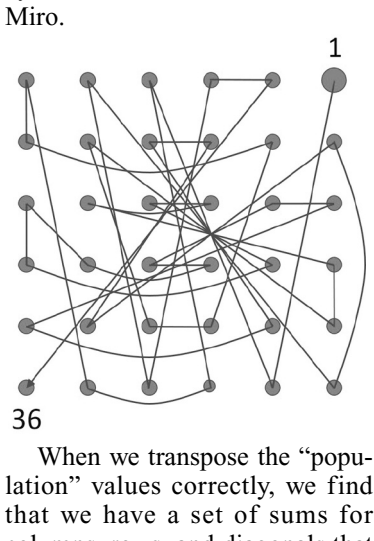
The 3x3 example is the simplest Magic Square to construct. However, let us consider the larger 6x6 version. This one parallels the conceptual layout of Thomas Jefferson’s Grid Township. Though there are many ways to number these 6x6 “Sun” Squares, we will use the sequence prescribed in the Land Act of May 18, 1796 discussed above.

The original township-layout produces a square for which the column sums equal one another. Though this aspect may be curious in its alignment, it may leave the use of the township-base open to “rigging” in respect to election outcomes if taken at face value. Nevertheless, none of the row sums of “21,” “57,” “93,” “129,” “165,” and “201” or the diagonal sums of “108” and “114” are equal to any of the others.

6	5	4	3	2	1	Σ = 21
7	8	9	10	11	12	Σ = 57
18	17	16	15	14	13	Σ = 93
19	20	21	22	23	24	Σ = 129
30	29	28	27	26	25	Σ = 165
31	32	33	34	35	36	Σ = 201
Σ	Σ	Σ	Σ	Σ	Σ	
111	111	111	111	111	111	

The rearrangement of values challenges us more so as the number of sub-squares increases. In addition, there exist many more variations for possible rearrangement. However, let us start with

“1” in the upper-right corner and follow a path to the value “36” in the lower-left corner, a pattern that may remind us of a painting by the French Abstract artist Joan Miro.



When we transpose the “population” values correctly, we find that we have a set of sums for columns, rows, and diagonals that equal one another.

6	32	3	34	35	1	Σ = 111
7	11	27	28	8	30	Σ = 111
19	14	16	15	23	24	Σ = 111
18	20	22	21	17	13	Σ = 111
25	29	10	9	26	12	Σ = 111
36	5	33	4	2	31	Σ = 111
Σ	Σ	Σ	Σ	Σ	Σ	
111	111	111	111	111	111	

The larger the “grid,” the more complex the rearrangement of numbers and the substitution of actual census-values or their algorithms. Preceding the Digital Age, the application of the Magic Square methods brought to light by Franklin and applied by Jefferson would have challenged us in terms of inordinate amounts of time and a generally unfathomable understanding by

the public at large. However, our current technologies have enabled progress and speed in the field of Mathematics. Today, a Magic Square method even may be explained readily by Donald Duck (see educational cartoon “Donald Duck in Math-magicaland,” Walt Disney Studios, 1959). The method of Magic Squares is worth further study unless, of course, we are content to live and vote with the decennial Gerry Salamander Shuffle.

You may be interested in viewing Economic Magic Squares at https://youtu.be/1_aojHjR8c.

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ate what he has told the Therapy Court Judge, and for the formal Court to rubber stamp this Judge’s ruling.

If legal professionals do not believe that this Therapy Court, with its tremendous power, secrecy, incredible unfairness, appalling lack of due process and usurpation of the power of legitimate Courts exists, or think that this portrayal of its method of operation is a gross exaggeration of a standard practice, I assure you that it does exist, and that legal and mental health professionals perpetuate its existence every time they refer a forensic case to a treatment therapist for a resolution, or accept forensic evidence obtained by this so-called therapeutic process. The fact that it continues to go on tells me that both legal and mental health professionals fail to grasp the inherent conflict between legal due process and legitimate mental health treatment practice, and/or to insist on providing and accepting only legitimate forensically obtained evidence in the courtroom. Toward this end, mental health professionals and their representative organizations need to accept as a standard of practice the Protocol which is currently law for State of Michigan employees outlining the proper, forensically valid method of interviewing and recording the interviews of children suspected of being abused, or to develop their own protocol consistent with current forensic research and the researchers’ recommendations. These recommendations are remarkably consistent at this point in time.

Of the four main mental health disciplines, psychiatry, psychology, social work and counseling, none, as far as I can find through research, has adapted a specific protocol for interviewing children suspected of being abused, nor published basic principles to be observed when undertaking this specific task. The result is that the quality of work done by mental health professionals in this critical field—and their abil-

ity to distinguish these forensic activities from treatment—lags behind the standards set and applied in other areas of mental health forensics, such as child custody. This is a matter of utmost importance; and begs the question why legal professionals put so much faith—or any faith at all—in mental health evidence provided by these professionals in a legitimate Court of law.

If professional organizations refuse to adopt state of the art guidelines for their own membership (because they fear possible accompanying liability?), the legislature owes it to the citizens of this State to impose at least the minimal standards of practice for mental health professionals in their own area of expertise that it has on police investigators and prosecutors charged with obtaining forensic mental health evidence for the Court. After all, these procedures were developed by mental health professions as a response to numerous innocent people being prosecuted in the 1980s for crimes that, not only did they not commit, but that it was ultimately determined nobody committed; or that if anybody did commit these crimes, the evidence was so badly botched by Therapy Court the truth can never be known (*State of NJ v. Margaret Kelly Michaels¹¹, North Carolina v. Robert Kelly¹², Florida v. Fijnje¹³, McMartin Preschool Trial¹⁴*, etc.).

In addressing the issue of valid evidence, however, one must also ask why Judges and lawyers often seek blindly for any mental health professional willing to perform forensic functions according to their specifications rather than going to people who have made an effort to study and employ proper forensic techniques in child custody and abuse cases. Even in this day and age it is not unusual to encounter people seeking partisan evaluations and recommendations, or to have cases referred to me by mental health professionals who have no experience doing this kind of work but have been asked to fill a forensic

role by the Court. Do Judges and lawyers really want biased evidence? If legal professionals would rather seek out unqualified people to do forensic work because they have a longer CV, rather than sending these cases to a person who has done his homework, they are going to continue to get unreliable evidence, and that does not bode well for our judicial system or our nation’s future.

I have seen reports from custody evaluators who do not do child abuse forensic interviews stating that children have not been coached in cases where I had a couple of hours of taped, properly obtained interviews that proved the children were coached. This is highly significant because it has been my experience that people who coach their children to make false allegations may lie low when their efforts fail, but because there are rarely any consequences, they inevitably try again. Therapy Court is like any other Court, only more so, in this most important respect; the more times you try the same case, the better chance you have of making the allegations stick. So it is important not only to identify through proper forensic investigation whether or not a child has been abused by the alleged perpetrator, but also by the coach if there is one, and to hold people who commit this crime accountable.

In the end, legal professionals, and especially the Courts, have to know enough about what constitutes valid mental health forensic evidence to make an informed decision about what to let in and what to exclude, and not just to take the easy road of opting to believe the person with the highest credentials. The worst evidence in forensic cases my experience is provided by treatment professionals, especially those who conduct Therapy Court, and the best work is done by those who have made a study of forensics, and who truly know the difference between treatment and forensic mental health, regardless of their level

of education. Relying on credentials—or even experience, over sound and supported argument and properly obtained evidence—is at best snobbish, and at worst foolhardy and irresponsible. It reminds me of one of my late mother’s favorite quotes from John W. Gardner about intellectual snobbery,

“We must learn to honor excellence in every socially accepted human activity, however humble the activity, and to scorn shoddiness, however exalted the activity. An excellent plumber is infinitely more admirable than an incompetent philosopher. The society that scorns excellence in plumbing because plumbing is a humble activity and tolerates shoddiness in philosophy because it is an exalted activity will have neither good plumbing nor good philosophy. Neither its pipes nor its theories will hold water.”¹⁵

Ultimately, neither will its legal system.

¹ ACT NO. 238, Public Acts of 1975, as amended, being Sections 722.621 — 722.638, Michigan Compiled Laws. (6) In each county, the prosecuting attorney and the department shall develop and establish procedures for involving law enforcement officials as provided in this section. In each county, the prosecuting attorney and the department shall adopt and implement standard child abuse and neglect investigation and interview protocols using as a model the protocols developed by the governor’s task force on children’s justice as published in FIA Publication 794 (8-98) and FIA Publication 779 (8-98), or an updated version of those publications.

² Michigan Forensic Interviewing Protocol, https://www.michigan.gov/documents/i_n_t_s/_d_h_s/_D_H_S_-_P_U_B_-_0779_211637_7.pdf

³ See extended quote in, Is Forensic Science an Oxymoron? on my blog at michaelgbrock.com.

⁴ ACA Code of Ethics, <https://www.counseling.org/docs/default>

-source/ethics/2014-aca-code-of-ethics.pdf?sfvrsn=fde89426_5

⁵ American Psychology Association-Law Society, Division 41 of the American Psychological Association (APA), Specialty Guidelines for Forensic Psychology <http://www.apa.org/pubs/journals/features/forensic-psychology.pdf>

⁶ “The first to plead his case seems right, until another comes and examines him.” Proverbs 18:17, New American Standard Bible

⁷ Assessment of Sexual Abuse Allegations in Child Custody Cases, James N. Bow, Francella A. Quinnett, Mark Zaroff, and Amy Assemany, Hawthorn Center, Professional Psychology: Research and Practice Copyright 2002 by the American Psychological Association, Inc. 2002, Vol. 33, No. 6, 566–575

⁸ Mostly PhD psychology with extensive forensic experience

⁹ Psychiatry (Edgmont). 2005 Nov; 2(11): 26–29. Assessing Sex Offenders, Vladimir Coric, MD, Seth Feuerstein, MD, JD, Frank Fortunati, MD, JD, Steven Southwick, MD, Humberto Temporini, MD, and Charles A. Morgan, MD. Articles such as this one, which explores the state of the art in 2005, show that not a lot has changed, and our ability to assess the probability that someone is or is likely to become or repeat a sexual offender is still in the stone age, with devices that are in common use which include Polygraphs, Penile Plethysmography, and Visual Reaction Time still in common use with sex offenders. Beside to obvious fact that these are non or questionable science and intrusive, they are currently in use only with sex offenders and have no predictive value with the general population. This contrasts sharply with forensic interviewing protocols with victims, which are thought to have scientific validity if performed properly by a neutral party. In practical application this is not always the case, as we have discussed elsewhere.

¹⁰ American Psychological Associa-

tion Guidelines for Child Custody Evaluations in Family Law Proceedings <http://www.apa.org/practice/guidelines/child-custody.aspx>

¹¹ State v. Michaels, 264 N.J. Super. 579 (1993), 625 A.2d 489, state of New Jersey, plaintiff-responder, v. Margaret Kelly Michaels, defendant-appellant. Superior Court of New Jersey, Appellate Division.

¹² State v. Kelly, 456 S.E.2d 861 (1995), 118 N.C. App. 589, STATE of North Carolina v. Robert Fulton KELLY, Jr., No. 933SC676, Court of Appeals of North Carolina.

¹³ State of Florida vs. Bobby Fijnje, Frontline The Child Terror, <https://www.pbs.org/wgbh/pages/frontline/shows/terror/cases/fijnjesummary.html>

¹⁴ The McMartin case was the first of a rash of day care abuse cases prosecuted in a period of mass hysteria in the 80’s and came to symbolize the witch hunt atmosphere that began at that time, and has never really abated. https://en.wikipedia.org/wiki/McMartin_preschool_trial

¹⁵ Excellence. Can we be equal and excellent too? John W. Gardner. Harper, New York, 1961

Michael G. Brock, MA, LMSW, is a forensic mental health professional in private practice at Counseling and Evaluation Services in Wyandotte, Michigan. He has worked in the mental health field since 1974, and has been in full-time private practice since 1985. Much of his practice in recent years relates to driver license restoration and substance abuse evaluation, but he also consults and serves as an expert witness regarding forensic interviewing and the use of forensic interviewing protocols in cases of child sexual abuse allegations. He may be contacted at Michael G. Brock, Counseling and Evaluation Services, 2514 Biddle, Wyandotte, 48192; 313-802-0863, fax/phone 734-692-1082; e-mail: michaelgbrock@com-cast.net, website, michaelgbrock.com.

Mortgages Recorded
Lisa Brown
Clerk/Register of Deeds
As recorded in the office of the
Register of Deeds
\$50,000 and above
Dec. 4-8, 2017
(continued from page 2)
 Vakare Porter 67 W Strathmore Ave Pontiac 48340-2771 OAKLAND COUNTY CREDIT UNION \$16,000
 Raving Chang 761 Palmer Dr Pontiac 48342-1860 OAKLAND COUNTY CREDIT UNION \$20,000
 Jody L Strzelecki 1107 Glengray Rd Wolverine Lake 48390-1445 OAKLAND COUNTY CREDIT UNION \$18,000
 Lillian Brantley 21665 S Tuller Ct Southfield 48076-4880 OAKLAND COUNTY CREDIT UNION \$31,000
 John Evans Iv 1810 Dunwoodie St

Ortonville 48462-8523 OAKLAND COUNTY CREDIT UNION \$20,000
 Lynn L Taylor 12030 N Holly Rd Holly 48442-9498 OAKLAND COUNTY CREDIT UNION \$126,000
 Edward Harmon 147 W Longfellow Ave Pontiac 48340-1831 OAKLAND COUNTY CREDIT UNION \$30,000
 Barbara L Murphy 291 S Tilden St Pontiac 48341-1866 OAKLAND COUNTY CREDIT UNION \$26,000
 Sherry L Derderian 1045 N Commerce Rd Commerce Township 48382-2606 OAKLAND COUNTY CREDIT UNION \$28,000
 David L Smith 273 S Jessie St Pontiac 48342-3117 OAKLAND COUNTY CREDIT UNION \$34,000
 Joseph A Nealer 4440 Elm Dale Ave Clarkston 48346-3811 OAKLAND COUNTY CREDIT UNION \$85,000
 Cristina Klaiber 6525 Greene Haven Dr Clarkston 48348-4419 OAKLAND COUNTY CREDIT UNION

\$60,000
 Jeffrey Baker 7276 Cottonwood Kni West Bloomfield 48322-4045 OAKLAND COUNTY CREDIT UNION \$167,000
 Peter Mouhot 4937 Chipman Dr Waterford 48327-3416 OAKLAND COUNTY CREDIT UNION \$18,000
 Vincent M Conforti 8303 Kier Rd Clarkston 48348-1123 OAKLAND COUNTY CREDIT UNION \$148,000
 Robert Estes 3569 Percy King Rd Waterford 48329-1358 OAKLAND COUNTY CREDIT UNION \$50,000
 Joseph A Nealer 4440 Elm Dale Ave Clarkston 48346-3811 OAKLAND COUNTY CREDIT UNION \$25,000
 Sean Townsend 11863 Cherry Hill Rd Novi 48375-2516 OCEANSIDE MORTGAGE CO \$254,000
 Porshea Coleman 21340 Kenosha St Oak Park 48237-2746 ONE DETROIT CREDIT UNION \$30,000
 Willie M Greggs Jr 21841 Harding St Oak Park 48237-2522 ONE

REVERSE MORTGAGE \$158,000
 Debra Ann Roberts 1000 W 13 Mile Rd Royal Oak 48073-2487 OUR CREDIT UNION \$25,000
 Tyler T Milner 145 Persimmon Dr Oxford 48371-4058 OXFORD BANK \$24,000
 Thomas D Hopp 2945 Oakland Oaks Oakland 48363-2845 OXFORD BANK \$75,000
 Daniel C Muska 2981 Armstrong Dr Lake Orion 48360-1709 OXFORD BANK \$221,000
 Roxann R Feighner 1092 Red Barn Dr Oxford 48371-6044 OXFORD BANK \$30,000
 Severian Mare 811 E Glass Rd Ortonville 48462-8505 OXFORD BANK \$100,000
 Michael J Christensen 825 Manitou Ln Lake Orion 48362-4008 OXFORD BANK \$350,000
 Dennis C Yurgens 444 Bellevue Ave Lake Orion 48362-2710 OXFORD BANK \$18,000

Brandon Devita 1205 Tonda Dr Ortonville 48462-9759 PACIFIC UNION FINANCIAL \$280,000
 Thomas Lindley 9721 Windsor Ln Clarkston 48348-1559 PACIFIC UNION FINANCIAL \$280,000
 Kamili A Ojbanire 24823 Templar Ave Southfield 48075-3062 PACIFIC UNION FINANCIAL \$121,000
 Nathaniel Allen 2442 Flintridge St Orion 48359-1529 PENNYMAC LOAN SERVICES \$108,000
 Lori Anne Lemon 16228 Birwood Ave Beverly Hills 48025-3342 PENTAGON FEDERAL CREDIT UNION \$228,000
 Lynn Hamilton 955 E Pearl Ave Hazel Park 48030-1808 PLANET HOME LENDING \$69,000
 Thomas A Scherger 41490 Chattman St Novi 48375-4221 PNC BANK \$50,000
 Bassam Gebara 4452 Birch Run Dr Troy 48098-4343 PNC BANK \$500,000

Steven Forche 45548 Addington Ln Novi 48374-3787 PNC BANK \$235,000
 Laura L Tonarelli 3406 Grafton St Lake Orion 48359-1126 PNC BANK \$75,000
 Bharath Kuma 851 Brandon Ave Pontiac 48340-1383 PNC BANK \$60,000
 Joshua J Miller 416 W Marshall St Ferndale 48220-2419 PNC BANK \$17,000
 David Johnson 30256 Sterling Dr Novi 48377-3915 PNC BANK \$240,000
 Douglas R Diebel 618 S Marias Ave Clawson 48017-1891 PNC BANK \$65,000
 Seema Shahani 850 N Center St Northville 48167-1103 PNC BANK \$17,000
 Devin A Gotko 2558 Norton Lawn Rochester Hills 48307-4433 PNC BANK \$94,000
 Laurie Beth Frick 847 Great Oaks

Dr Bloomfield Hills 48304-1924 PNC BANK \$420,000
 Ronald A Benedict 55386 Park Pl New Hudson 48165-9568 PNC BANK \$91,000
 Gregory M Thomas 713 Panorama Rochester Hills 48306-3569 PNC BANK \$375,000
 Lee J Mamola 44700 W 9 Mile Rd Novi 48375-3902 PNC BANK \$80,000
 Adam W Trahan 1190 Clear Creek Dr Rochester Hills 48306-3577 PNC MORTGAGE \$439,000
 Matthew J Manzardo 1458 Spinnaker Ct Highland 48356-2261 PNC MORTGAGE \$216,000
 Kelly Thomas Martin 419 Royal Ave Royal Oak 48073-2538 PNC MORTGAGE \$209,000
 Matthew Pams 2816 Maplewood Ave Royal Oak 48073-3121 PNC MORTGAGE \$198,000
 Jeremy H Clark 422 Knollwood Dr Ortonville 48462-8321 PNC MORTGAGE \$224,000