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Record No. 6226

In the
Supreme Court of Appeals of Virginia
at Richmond

DONALD CAMERON CROUNSE

v.

ANEEN PARKER CROUNSE, NOW ANEEN PARKER GORMAN

FROM THE CIRCUIT COURT OF ARLINGTON COUNTY

RULE 5:12 BRIEFS

§5. Number of Copies. Twenty-five copies of each brief shall be filed with the clerk of this Court and three copies shall be mailed or delivered by counsel to each other counsel as defined in Rule 1:13 on or before the day on which the brief is filed.

§6. Size and Type. Briefs shall be nine inches in length and six inches in width, so as to conform in dimensions to the printed record, and shall be printed in type not less in size, as to height and width, than the type in which the record is printed. The record number of the case and the names and addresses of counsel submitting the brief shall be printed on the front cover.

HOWARD G. TURNER, Clerk.

Court opens at 9:30 a. m.; Adjourns at 1:00 p. m.

IN THE

Supreme Court of Appeals of Virginia

AT RICHMOND.

Record No. 6226

VIRGINIA:

In the Supreme Court of Appeals held at the Supreme Court of Appeals Building in the City of Richmond on Wednesday the 6th day of October, 1965.

DONALD CAMERON CROUNSE, Appellant,

against

ANEEN PARKER CROUNSE,
NOW ANEEN PARKER GORMAN, Appellee.

From the Circuit Court of Arlington County
Emery N. Hosmer, Judge

Upon the petition of Donald Cameron Crounse an appeal is awarded him from a decree entered by the Circuit Court of Arlington County on the 17th day of February, 1965, in a certain chancery cause then therein depending wherein the said petitioner was plaintiff and Aneen Parker Crounse, now Aneen Parker Gorman, was defendant; upon the petitioner, or some one for him, entering into bond with sufficient security before the clerk of the said circuit court in the penalty of three hundred dollars, with condition as the law directs.

RECORD

* * * * *

page 44] AGREEMENT

Filed 3/27/61
H. BRUCE GREEN, Clerk

THIS AGREEMENT made, executed and entered into this 27th day of March, 1961, by and between DONALD CAMERON CROUNSE, hereinafter referred to as the husband, and ANEEN PARKER CROUNSE, hereinafter referred to as the wife.

WITNESSETH as follows:

WHEREAS, the parties hereto have been living separate and apart from one another due to unhappy differences and disputes which have arisen between then; and

WHEREAS, they desire to provide for the proper and orderly administration of the custody of the minor child born of their marriage, Donald Cameron Crounse, Jr., hereinafter called Cameron, they do therefore subscribe and engage as follows:

1. The term of this agreement shall be until the said Cameron is of sufficient age to enter elementary school, or September 1962, whichever event occurs sooner.

2. The wife shall, with reasonable diligence, move to Northern Virginia, and shall reside there during the term of this agreement.

3. The custody of Cameron shall be with the husband, however for practical considerations recognized by both of the parties hereto, it is agreed that the actual possession of Cameron shall be with the wife, subject to the following provisions:

(a) During the Christmas Holiday Season of 1961 the husband shall have the right to have Cameron with him for a continuous period of five (5) days, not including Christmas day, the exact dates thereof to be the subject of mutual agreement between the parties.

(b) The parties understand and agree that as regards

Thanksgiving Day 1961, Christmas Day 1961 and Easter Sunday 1962 each shall share the company of Cameron for an equal proportion of the day, the exact time to be the subject of mutual agreement.

page 45] (c) During the Summers of 1961 and 1962 the husband shall have the right to have Cameron in his exclusive possession for a continuous period of one month, upon thirty (30) days' notice as to the precise time.

(d) The husband shall have the further right to have Cameron with him on alternate weekends, upon giving reasonable notice of the exercise thereof.

(e) The husband shall have such other reasonable rights of visitation with his son as the parties might mutually agree upon, and each does pledge to exercise good faith in this regard.

(f) It is recognized further that the wife shall have the right to take the child from this jurisdiction for a period of one month during the summer, the husband hereby agreeing that during such month he waives his right to have the child on alternate weekends; provided the husband receives thirty (30) days' notice of the specific time involved.

4. Both parties hereto shall have an equal voice in the selection of a school to which their son may be enrolled, and each agrees to consult with the other in this connection.

5. The husband engages and agrees to keep in full force and effect the present group hospitalization insurance, or comparable other insurance, covering his son. The husband further agrees that he will retain his son as the named beneficiary on those policies of life insurance in which said son is presently named as beneficiary, and will retain such policies in full force and effect.

6. During the term of this agreement the parties engage to exercise the utmost good faith to reach agreement on a permanent basis as to the custody and support of Cameron; however, if their good efforts in this regard should prove futile and no agreement is reached, then they do hereby agree that upon the termination of this contract the question of custody, support and related rights of each of the parties with respect to the child shall be submitted to the Circuit Court of Arlington County, Virginia for determina-

tion.

page 46] 7. The husband agrees to contribute to the wife, commencing April 1, 1961, for the care and support of Cameron, the sum of One Hundred Fifty Dollars ($150.00) per month, said payment to be made in two equal installments of Seventy-five Dollars ($75.00) each, semi-monthly. It is understood and agreed that no portion of this payment is alimony for the wife, and further that the husband shall be entitled to the exemption of his son for State and Federal income tax purposes.

8. In complete, full and total discharge of any of his obligations in this regard the husband agrees to (1) promptly after execution of this agreement, to deliver to wife, for her attorneys' fees, a note payable to her order in the amount of One Thousand Dollars ($1,000.00) and bearing interest on the unpaid principal amount thereof at the rate of 6% per annum, said note to be paid in equal quarterly installments of Two Hundred Fifty Dollars ($250.00) plus interest, the first of such installments to be due and payable on July 1, 1961, and (2) pay the wife's court costs including depositions in the pending suit between the parties.

9. The parties further agree that this contract will be presented to the Circuit Court of Arlington County, Virginia for approval, ratification and confirmation in the event a decree of divorce is granted to either party.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands and seals on the day and year first above written.

DONALD CAMERON CROUNSE
(SEAL)

ANEEN PARKER CROUNSE
(SEAL)

page 47]

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DECREE OF DIVORCE *A VINCULO MATRIMONII*

THIS MATTER came on to be heard this 27th day of March 1961, upon Bill of Complaint, Answer of the Defendant

and other papers duly filed herein; whereupon testimony was taken in open court and argument of counsel heard; and

IT APPEARING TO THE COURT from the testimony taken and independent of the admissions of either of the parties hereto that the complainant has been domiciled in and a bone fide resident of the State of Virginia for more than one year next preceding the institution of this suit; that the complainant and defendant were married December 11, 1953, in Fayetteville, New York; that one child was born of the marriage, Donald Cameron Crounse, Jr., on December 10, 1956; that both parties are members of the Caucasian Race; and

IT FURTHER APPEARING TO THE COURT that on, to-wit, February 24, 1960, the defendant did, without justification or excuse, desert and abandon the complainant and that the parties have not co-habited together subsequently thereto, and that said desertion has continued uninterrupted to the present time; and

IT FURTHER APPEARING TO THE COURT that the parties have entered into an Agreement under date of March 27, 1961, providing for the custody and support of the minor child of the parties aforesaid, said agreement appearing to the Court to be fair and equitable; it is therefore

ORDERED, ADJUDGED AND DECREED that the complainant be, and he hereby is, awarded a decree of divorce *a vinculo matrimonii* of and from the defendant on the grounds of wilful desertion and abandonment which occurred on, to-wit, February 24, 1960; and it is further

page 48] ORDERED, ADJUDGED AND DECREED that the Agreement entered into between the parties under date of March 27, 1961, be, and the same hereby is, approved, ratified and confirmed.

AND THIS DECREE is a final determination of the rights of the parties in the matters and things at issue in this action except the question of final custody of the minor child of the parties as contained in Paragraph Six of the Agreement of March 27, 1961, entered into between the parties and as to such issue the Court retains jurisdiction.

GEORGE M. COLES
Judge Designate

Entered: 3/29/61

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page 50]

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AGREEMENT
between
ANEEN P. CROUNSE
and
DONALD C. CROUNSE

Dated: October 31, 1961.

Filed Dec. 4, 1961
H. BRUCE GREEN, Clerk

page 1] Agreement made this 31st day of October, 1961, by and between ANEEN P. CROUNSE (hereinafter sometimes referred to as "Mother") and DONALD C. CROUNSE (hereinafter sometimes referred to as "Father").

WITNESSETH:

WHEREAS, Father and Mother were divorced from each other in Virginia on March 27, 1961;

WHEREAS, Father and Mother are parties to an Agreement dated March 27, 1961, providing for the care and custody of their son, DONALD CAMERON CROUNSE, JR. (hereinafter sometimes referred to as the "Child"), on a temporary basis (hereinafter referred to as the "Temporary Agreement");

WHEREAS, the Temporary Agreement provides, in paragraph 1, that its term "shall be until the said Cameron is of sufficient age to enter elementary school, or September, 1962, whichever occurs sooner" and, in paragraph 6, that during its term "the parties engage to exercise the utmost good faith to reach agreement on a permanent basis as to the custody and support of Cameron;"

page 2]

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FIRST: Custody of the Child shall be in Father and Mother jointly.

SECOND: The Child shall reside with Mother in the geographical area comprised by the State of Connecticut and the Middle Atlantic states of Maryland, Delaware, Pennsylvania, New Jersey, and New York (excluding New York City) during the period each year which begins with the day after Labor Day in September and ends with the day after the last day of school in May or June, as the case may be, subject to the following provisions of this Article SECOND with respect to such periods:

(1) Father shall have the right to visit the Child during daylight hours at Mother's residence at all reasonable times.

(2) Father may at his option have the Child visit Father at Father's residence

page 3] (a) during each Thanksgiving weekend, such weekend to commence on Thanksgiving morning and to end at such time on Sunday afternoon as will enable the Child to arrive at Mother's residence by about 6:00 P.M.,

(b) for a period of seven days each year beginning on the morning of the day following that on which school closes for spring vacation and ending at such time on the seventh day as will enable the Child to arrive at Mother's residence by about 6:00 P.M.,

(c) during alternate halves of each school Christmas vacation, it being understood (i) that the Child will spend the first half of each such vacation at Mother's residence in odd numbered years, beginning with 1961, and at Father's residence in even numbered years, beginning with 1962, (ii) that Father shall have the right during odd numbered years to visit the Child on Christmas Eve and Christmas Day at Mother's residence, (iii) that Mother shall have the right during even numbered years to visit the Child on Christmas Eve and Christmas Day at Father's residence, and (iv) that the half of each Christmas vacation which the Child shall spend

with Father shall begin in the morning on the
page 4] first day thereof (unless such half shall be the first half and school shall close on Christmas Eve, in which case such half shall begin on Christmas Eve after school closes) and end at such time on the last day thereof as will enable the Child to arrive at Mother's residence by about 6:00 P.M.,

(d) during one weekend each month beginning on Friday after school and ending at such time on Sunday as will enable the Child to arrive at Mother's residence by about 6:00 P.M. (or, at Father's election, Father shall have the right to visit the Child at Mother's residence during the same period), provided, however, that Father shall give ten days' notice in writing to Mother of any exercise of his rights under this clause (d), and

(e) at such other times as the parties shall agree upon.

THIRD: The Child shall reside with Father during the Child's summer vacation period each year, beginning with the day after the last day of school in May or June, as the case may be, and ending with the day after Labor Day in September, subject to the following provisions of this Article THIRD with respect to such vacation periods:

(1) Mother shall have the right to visit the Child during daylight hours at Father's residence at all reasonable times.

page 5] (2) Mother may at her option have the Child visit Mother at Mother's residence

(a) during one weekend each month beginning on Friday afternoon and ending at such time on Sunday as will enable the Child to arrive at Father's residence by about 6:00 P.M. (or, at Mother's election, Mother shall have the right to visit the Child at Father's residence during the same period), provided, however, that Mother shall give ten days' notice in writing to Father of any exercise of her rights under this clause (a), and

(b) at such other times as the parties shall agree upon.

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FIFTH: Father shall pay the traveling expenses of the Child from and to the residence of Mother, except when

page 6] Mother elects to have the Child visit her on a summer vacation weekend pursuant to the provisions of Article THIRD, in which case Mother shall pay such expenses. Until the Child shall reach the minimum age specified by the airlines for traveling alone, the party required to pay the traveling expenses of the Child shall, at such party's expense, either escort the Child or provide a suitable traveling companion for the Child from and to, or to and from, as the case may be, the residence of Mother.

SIXTH: During the period in which the Child shall reside with Mother pursuant to the provisions of Article SECOND, the Child shall not be taken to any place which shall be more than 250 miles from the residence of Mother without the written consent of Father. During the period in which the Child shall reside with Father pursuant to the provisions of Article THIRD, the Child shall not be taken to any place which shall be more than 250 miles from the residence of Father without the written consent of Mother.

SEVENTH: (1) If Father shall be in a financial position to do so when the Child reaches high school, Father shall have the right, at Father's sole expense, to board and educate the Child at any first class prep school in the Eastern part (i.e., the Northeastern and Southeastern part) of the United States during the Child's four normal years of high

page 7] school commencing after completion by the Child of the eighth grade of school. In the event Father shall exercise that right, each party shall have the right to have the Child visit such party at such party's residence on alternative (a) Thanksgiving weekends, (b) weekends when the Child shall be permitted to leave the school, and (c) spring and other vacation periods (except Christmas and summer vacation periods). The Child's Christmas vacation periods shall be spent with the parties as provided in clause (c) of paragraph (2) of Article SECOND. Each party shall also have the right to have the Child visit such party at such party's residence on alternate halves of each school summer vacation period. All traveling expenses incurred in connection with any such visit shall be paid by the party visited by the Child. If Father shall not be in such a financial position, the question of where the Child shall receive his high school education shall be the subject of nego-

tiation and agreement by Father and Mother. In the event of a failure to reach such agreement, Father shall have the right to have that question settled by the Circuit Court of Arlington County, Virginia, and Mother shall subject herself and the Child to the jurisdiction of that court at that time for that purpose.

(2) Father shall pay the full cost of the Child's college education unless Father's then financial resources do not permit him to do so, in which event he shall con-
page 8] tribute toward such education to the extent permitted by such financial resources, provided, however, that Father shall not be required to pay for, or make any contribution toward, such education under this paragraph unless the Child shall attend the college chosen by Father. In that connection, Father shall consult Mother and the Child with respect to the selection of such college. While at college, the Child shall spend his vacation periods with the parties in accordance with such schedule as the parties and the Child shall then agree upon.

EIGHTH: In the event of the death or total physical or mental incapacity of either party during the minority of the Child, the other shall forthwith assume sole custody and control of the Child, provided, however, that, in the case of total physical or mental incapacity, such other party shall make reasonable provision from time to time for visits by the Child to the incapacitated party.

NINTH: The name of the Child shall not be changed, nor shall the Child be adopted by any other person, without the written consent of both Mother and Father.

TENTH: In the event of the remarriage and subsequent divorce or separation of either party, the other party shall have the right, by written notice to that effect within 45 days after the effective date of such divorce or separation, to terminate this Agreement, and in that event
page 9] all questions relating to the care, custody, and support of the Child, and visitation rights of the parties, shall be submitted to the Circuit Court of Arlington County, Virginia.

ELEVENTH: (1) Subject to the provisions of paragraph (2) hereof, Father shall pay to Mother for the support and maintenance of the Child an amount at the rate of $100 per month on the first day of each month beginning November 1, 1961 during the time when the child actually resides with the

mother. Father's obligation to make such monthly payments shall continue, as long as the Child shall be living, until *the* later of the Child's 21st birthday or the completion of the Child's education, except such payments shall terminate if the Child shall marry or become otherwise emancipated prior thereto. For purposes of this Agreement, the Child shall be deemed to have completed his education when he shall have finished four years of college study or the equivalent or shall have been afforded a full opportunity to do so in the normal course.

(2) The monthly payments provided in paragraph (1) hereof shall be subject to escalation as follows: In the event Father's Annual Gross Income, as hereinafter defined, shall be greater than $10,000 during any calendar year, each such monthly payment during such year shall be retroactively adjusted upwards to an amount to be determined by multiplying such monthly payment by a fraction, the numerator of which shall be the Annual Gross Income of Father

page 10] for such year and the denominator of which shall be $10,000. Any sum due Mother as a result of any such retroactive upwards adjustment shall be paid to her by Father promptly after the end of such calendar year, provided, however, that in no event shall the amount paid by Father for the support and maintenance of the Child for any calendar year exceed $1,800. Father shall advise Mother promptly at the end of each year of his Annual Gross Income for that year and, if Mother shall so request in writing, (a) shall execute such consents and authorizations as shall be necessary to enable her to inspect and examine his Federal individual income tax return for such year, and (b) shall furnish her with a copy of such return. The term "Annual Gross Income" as used herein in respect of any calendar year shall mean the sum of (a) Father's Adjusted Gross Income as shown on his Federal individual income tax return for such year plus (b) any income (including, without limitation, interest on governmental obligations) received by him during such year which shall be exempt or excluded from Federal income tax; however, bona fide gifts shall not be included as income.

TWELFTH: Father shall pay all major medical expenses of the Child, including, without limitation, the cost of medicine, medical equipment and devices, doctor's fees, and hospital and surgical expenses. As used herein, the term "maj-

page 11] or medical expenses" shall mean expenses in excess of $50 in respect of any illness or injury. Father shall also pay all extraordinary dental expenses of the Child, meaning in that connection all dental expenses in excess of $50 in respect of any related dental work, in-

cluding orthodontic work, prescribed by the dentist at one time. There shall be reasonable consultation between Mother and Father with respect to illnesses of, injuries to, and medical and dental treatment of, the Child. Father shall acquire and keep in full force and effect hospitalization insurance covering the Child during the period in which Father shall be required to make payments to Mother under the provisions of provisions of Article ELEVENTH hereof. Such insurance shall provide benefits at least equal to the minimum benefits provided by Blue Cross.

THIRTEENTH: Father shall keep in full force and effect insurance on his life in the sum of $10,000, free of any liens or charges, and shall name the Child as sole beneficiary thereof until *the* later of the Child's 21st birthday or the completion of the Child's education, except that Father may change such beneficiary if the Child shall marry or die prior thereto. At Mother's request, Father shall arrange, if possible, for a certificate evidencing the existence of such insurance policy, and for receipts evidencing the payment of premiums due thereon, to be furnished directly to Mother by the insurer issuing such policy.

page 12] FOURTEENTH: This Agreement shall survive the death of Father and be binding upon his estate.

FIFTEENTH: Until the child's majority, the latter shall share no less than equally with any other child of Father under any last will and testament which Father may execute, and no less than equally with any other Child of Mother under any last will and testament which Mother may execute.

SIXTEENTH: This Agreement shall be binding upon and inure to the benefit of the heirs, legal representatives, and assigns of each of the parties.

SEVENTEENTH: Any dispute over the care, custody, or support of the Child or the interpretation of this agreement shall be submitted to the Circuit Court of Arlington County, Virginia, for determination, and the parties agree to submit themselves and the Child to the jurisdiction of that court for that purpose.

EIGHTEENTH: The failure of either party to exercise any right hereunder, or to take any action permitted on a breach by the other, shall not be deemed a waiver thereof or of any other rights or breaches of a like or different nature. This Agreement contains the entire agreement between the parties and may not be amended, modified, supplemented, or revoked except by an agreement in writing duly

page 13] subscribed with the same formality as this Agreement and approved by the Circuit Court of Arlington County, Virginia.

IN WITNESS WHEREOF, the parties hereto have set their hands and seals to this Agreement on the day and year first above written.

DONALD C. CROUNSE (L.S.)
ANEEN P. CROUNSE (L.S.)
(now Mrs. Edward A. Gorman)

page 51]

* * * * *

DECREE

This matter came before the Court this 4th day of December, 1961, upon joint petition of both parties hereto that the decree of divorce *a vinculo matrimonii* entered by this Court March 27, 1961 be modified as respects the custody of the minor child of the parties and related questions; and

It being represented to the Court that, pursuant to the provisions of the sixth numbered paragraph of the agreement executed heretofore between the parties under date of March 27, 1961, they have consulted together in good faith and have reached agreement as to permanent custody, control and support of the minor child of the parties, said agreement being presented to the Court with this petition.

WHEREUPON, after due consideration IT APPEARING TO THE COURT that the agreement of October 31, 1961 is fair and equitable and should receive the approval of this Court

It is, therefore, ADJUDGED, ORDERED and DECREED that the decree of this Court entered March 27, 1961 be, and the same hereby is, modified to the extent provided in the agreement of October 31, 1961, with all other provisions thereof remaining in full force and effect.

AND THIS DECREE IS FINAL.

Entered 12/4/61

WALTER T. McCARTHY
Judge

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page 52]

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Filed Jul. 31, 1964

H. BRUCE GREEN, Clerk
Circuit Court, Arlington County, Va.

By V. GREEN, Deputy Clerk

PETITION TO MODIFY THE EXISTING CUSTODY AGREEMENT

To: The Honorable Judge of the Circuit Court for the County of Arlington, State of Virginia.

Your complainant, Donald Cameron Crounse, files this his petition, asking for a modification of an agreement entered into by the parties to this proceeding, under date of October 31, 1961, with respect to joint custody of their son, Donald Cameron Crounse, Jr., who was born on December 10, 1956, and as his reasons therefor, respectfully alleges as follows:

1. On the 27th day of March 1961, your complainant obtained a final decree of divorce from the defendant herein, on the ground of voluntary and willful desertion and abandonment.

2. That said decree ratified, confirmed, and made a part thereof, an agreement entered into between the parties hereto under date of March 27, 1961, which decree was subsequently amended by a decree of this Court on the —— day of November 1961, ratifying, confirming, and making a part

page 53] thereof, a new agreement entered into by and between the parties hereto, which said agreement, in part, contained certain detailed provisions with respect to the joint custody of their infant child; said agreement of October 31, 1961, is filed with the court papers of this proceeding.

3. Under the terms of the agreement entered into on October 31, 1961, custody of the child was to be in *joint* control of both parties hereto; said child was to live with the mother during the school year, and was to be with his father for a period commencing with the day after the last day of school in May or June up to and through Labor Day in September; the

mother was to have additional visitation periods set forth in said agreement.

4. The agreement further provides that in the event of a dispute between the parties with reference to the care, custody or support of said infant child, each of said parties agree to submit themselves to the jurisdiction of this Court for the purpose of having said disputes or disagreements resolved.

5. The mother of said child contacted your complainant in the Fall of 1963, and said that because of what appeared to be an emotionally unstable condition of their child, she had arranged for him to be interviewed by both a psychiatrist and a psychologist; she further stated that these doctors had confirmed her suspicions in this respect and told her, in effect, that the summer visitation privileges were largely responsible for said condition; the complainant then visited page 54] with these gentlemen in person and discussed their diagnosis of his son; while they confirmed the fact that his son was emotionally disturbed, they definitely did not and would not say that it was a result of the summers he had spent with your complainant; the mother then, in effect, told your complainant that he would either have to agree to a modification of the summer visitation privilege, or she would not permit the child to come to Virginia in accordance with the provisions of said decree.

6. The parties hereto had many telephone conversations subsequent to this period with reference to modification of said decree; your complainant, on each occasion, made it plain that he did not feel that the summer visitation was in any sense of the word responsible for the child's emotional instability, and suggested that the question of modification of said agreement be submitted to this Court for determination; when the mother refused to comply with this suggested procedure, your complainant *the* in a final effort to amicably adjust this dispute, and with the thought in mind that he would do that which would be for the best interest and welfare of said child, indicated he would agree to take the child ten days after the commencement of the date set up for the summer visitation and return him ten days prior to the termination date provided therein; the mother would not agree to this arrangement, and then informed your complainant that she intended to consult her attorney with respect to this matter.

7. Thereafter, your complainant did receive a letter from an attorney who said he was representing the in- page 55] terest of his former wife in this matter; enclosed in said letter were letters from Doctors who had interviewed the child and letters from some of the school

authorities, connected with the school attended by their son; the effect of said letter was to inform your complainant that because of the alleged emotional unstable condition of their child, the mother had made an arbitrary decision that she would not permit a summer visitation of more than thirty days, and if your complainant did not comply with this request, she would then institute a proceeding in the courts of the State of Connecticut for the purpose of having this matter adjudicated; the attorney further stated that in his opinion, there was no question as to what the Courts in his State would rule under the circumstances and conditions of said case.

8. Subsequent to the receiving of this letter, your complainant again contacted his former wife, by telephone, for the purpose of attempting to convince her that this was not only an unfair arrangement but further reminded her that in accordance with the terms of their agreement, matters of this type, if litigated, were to be in this Court and not in a court of some foreign jurisdiction; when it appeared that his former wife would not change her position in this respect, the complainant then suggested that she have her attorney prepare for his approval a letter or document confirming this arrangement, and he would give the matter due consideration, and advise each of them with regard to his final decision.

page 56] 9. Thereafter, your complainant conducted certain correspondence with the attorney and also talked with him by telephone; as a result of these negotiations, your complainant was advised that his former wife would permit him to have visitation privileges with his child, provided he would meet their demands, to-wit, have this Court enter a decree modifying the existing custody agreement and providing that as a part of said modification, he would have to deposit with the Clerk of this Court a bond in the amount of at least $2,000.00 to guarantee compliance with the terms of said modification order.

10. In view of what to your complainant appeared to be an arbitrary, unreasonable attitude on the part of the mother, together with the fact that she was in contempt of the order of this Court providing that the child should be with his father during this period of time, your complainant went to the summer home of his former wife in New York and picked up his child. Within approximately five hours thereafter, he contacted his former wife by telephone and told her that their boy was with him.

11. Your complainant made immediate arrangements to have the child interviewed and tested by qualified psychologists

in Fairfax County, for the purpose of determining what, in their opinion, would be the best solution to this problem, so far as the health, welfare and interest of the child are concerned.

page 57] 12. Your complainant, in discussing the history of this matter with the psychologists, advised them of the emotional instability of his former wife over a period of years, which fact can be established by uncontradicted evidence; as a result of the opinion given to your complainant by the testing psychologists, your complainant believes it to be to the best interest and welfare of his son to have him remain with your complainant in Virginia, rather than return to his mother in Connecticut.

WHEREFORE, your complainant prays that for the reasons aforestated, a decree be entered in this proceeding directing that custody of the infant child of the parties hereto, Donald Cameron Crounse, Jr., be placed with the complainant, subject to reasonable visitation rights on the part of the defendant.

DONALD C. CROUNSE
Complainant

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page 66]

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Filed Nov. 2, 1964

H. BRUCE GREEN, Clerk
Circuit Court, Arlington County, Va.

By V. GREEN, Deputy Clerk

PETITION TO MODIFY THE EXISTING CUSTODY AGREEMENT AND DECREE AND FOR CUSTODY OF DONALD CAMERON CROUNSE, JR. TO DEFENDANT

To The Honorable Judges of said Court:

Comes now your Defendant, Aneen Parker Crounse Gorman, by Counsel, and for her response to the Petition of Complainant heretofore filed, and on her own behalf, files this

her Petitition to Modify the Existing Custody Agreement and Decree and for Custody of Donald Cameron Crounse, Jr. to Defendant, and as her reasons therefor, respectfully states as follows:

1. Defendant, Aneen Parker Crounse Gorman, is the lawful wife of Edward Gorman and now resides with her family in New Canaan, Connecticut. The Complainant, Donald Cameron Crounse, Defendant's former husband, now resides in Fairfax County, Virginia. Donald Cameron Crounse, Jr., the seven year old minor child of the parties is presently with his father in Fairfax County, Virginia.

2. This Court has jurisdiction to hear this cause pursuant to *Va. Code Ann.* Section 20-108 (1950 as amended) and pursuant to the agreement of the parties entered into on October 31, 1961.

3. In response to Paragraph One of Complainant's Petition, Defendant says that on March 27, 1961, a Decree of Divorce *a vinculo matrimonii* was entered by this Court dissolving the bonds of matrimony theretofore existing between your Defendant and Complainant.

4. In response to Paragraph Two of Complainant's Petition, Defendant says that on December 4, 1961 a subsequent decree was entered by this Court, modifying the decree of March 27, 1961 to the extent provided in the agreement of the parties hereto, dated October 31, 1961, and respecting custody of Donald Cameron Crounse, Jr., the minor
page 67] child of the parties. The said agreement of October 31, 1961 was filed with this Court in the record of the aforesaid proceeding.

5. In response to Paragraph Three of Complainant's Petition, Defendant says that under the terms of the agreement entered into by the parties on October 31, 1961, and pursuant to the decree of this Court, custody of the infant child of the parties, Donald Cameron Crounse, Jr., was to be in the Father and Mother jointly; said child was to reside with the Mother during the school year, and was to be with his Father for the period commencing with the day after the last day of school in May or June, as the case may be, and up to and through Labor Day in September; other and additional visitation periods of the Mother and Father are set forth in the agreement.

6. Defendant states that the allegations of Paragraph Four of Complainant's Petition are correct.

7. Since the decree of this Court on December 4, 1961, approving the agreement of the parties to place Donald Cameron

Crounse, Jr. in the joint custody and control of the parties, there has been a sufficient and substantial change of conditions and circumstances clearly necessitating a modification of the existing custody agreement and decree:

7a. Since December 4, 1961 an emotionally unstable condition has manifested itself in Donald Cameron Crounse, Jr. and has been particularly evident in his school work, relationships with other children, and general unruliness within the home. In the fall of 1963 Defendant, noting that the *the* child's difficulties in school were intense, consulted the advice of the child's pediatrician, and upon his recommendation consulted a child psychiatrist in New Canaan, Connecticut. After their examinations of the child, Defendant was told by the doctors that the child was suffering from chronic anxieties which were intensified by his living in "two homes" and "two worlds," and thus the child suffered a confusion of identity.

7b. Upon the advice of doctors that the child receive psychotherapy and upon their recommendation that the summer visitations be shortened in an effort to help relieve the "two homes" situation and upon advise of Counsel, Defendant contacted Complainant and requested that he come to New Canaan to discuss the child's difficulties with Defendant, page 68] the doctors, and the teacher. In the spring of 1964 upon request of Complainant, Defendant willingly agreed to have the child examined by a Virginia doctor of Complainant's choice and Defendant immediately arranged for an interview with him upon completion of his examination.

7c. After repeated pleas to Complainant to discuss the child's problems and after many unsuccessful attempts to arrange for shortened visits for the welfare of the child, and feeling very frustrated and aware that summer would soon arrive with nothing decided, Defendant again consulted with legal counsel. After much correspondence and negotiations between Complainant and Defendant's Connecticut attorneys, which continued during June of 1964, Complainant agreed, in writing, by letter of June 24, 1964, to modify the summer visitation of the child with Complainant to the month of July and Complainant even arranged his vacation accordingly.

7d. Thereafter, and notwithstanding this agreement to modify the existing summer visitation in the best interest of the child, Complainant went to the summer home of Defendant in East Hampton, Long Island, New York, and, without consulting or advising Defendant, Complainant carried off the child

and he has not been returned to Defendant.

8. In response to Paragraphs Five, Six, Seven, Eight, Nine and Ten of Complainant's Petition, Defendant denies every allegation in said Paragraphs that she was arbitrary, unreasonable or unco-operative and to the contrary, states that she was at all times acting upon the advice of doctors and in the best interests of their child; Defendant further denies that Complainant suggested that the modification of the agreement be submitted to this Court for determination.

9. In response to Paragraphs Eleven and Twelve of Complainant's Petition, Defendant denies that she is emotionally unstable and further denies that she is an unfit person to have custody of her son, Donald Cameron Crounse, Jr.

10. That for all of the aforesaid reasons Defendant believes that the happiness and best interest and welfare of her son, Donald Cameron Crounse, Jr., require that the existing custody agreement and decree be modified and that the child be given a permanent home with more restricted visitation and that Defendant is a fit and proper person and that custody of the infant child should be with his Mother.

page 69] WHEREFORE, your Defendant prays that this Court enter a decree revising, altering and modifying the agreement of the parties and the decree of this Court of December 4, 1961 and ordering that the custody of Donald Cameron Crounse, Jr., the infant son of the parties hereto, be awarded to Defendant and the Mother of said child, Aneen Parker Crounse Gorman, subject to reasonable visitation rights on the part of the Complainant, Donald Cameron Crounse.

ANEEN PARKER COUNSE GORMAN
Defendant, By Counsel

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page 71]

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Filed 12/11/64

E. N. H., Judge

MEMORANDUM

FROM: EMERY N. HOSMER, JUDGE

TO: T. Brooke Howard, Esq., Counsel for Complainant
Andrew B. Ferrari, Esq., Counsel for Defendant

In this case, both parties filed petitions to modify the existing custody agreement and decree of this Court, and to secure sole custody of their son, Donald Cameron Crounse, Jr., born December 6, 1956, subject to reasonable visitation rights. Both have daughters by second marriages and have established proper homes in which to rear their children.

The father was granted a final decree of divorce on March 27, 1961 on the ground of desertion which occurred on February 24, 1960. The decree approved an agreement between the parties, dated March 27, 1961 and reserved for future determination the question of final custody of their minor child.

By decree entered December 4, 1961, on the joint petition of the parties, the decree of March 27, 1961 was modified to the extent provided in their agreement dated October 31, 1961.

The agreement recites that the father and mother have reached agreement on a permanent basis as to the custody and support of the child and proceeds in great detail to provide for divided custody. In general outline, the custody provisions of agreement of October 31, 1961, approved by the decree of December 4, 1961 are as follows:

The custody of the child to be in the mother and father jointly. The child to reside with the mother in a certain geographical area during the period each year which begins the day after Labor Day in September and ends with the day after the last day of school in May or June, as the case may be. The father is given certain visitation rights for said period and the option to have the child visit him at Thanksgiving, Spring school vacation, alternate Christmas vacations and one week-end each month when the child is with the mother.

The agreement further provided that the child shall reside with the father during the child's summer vacation period each year beginning the day after the last day of school in May or June and ending the day after Labor Day in September, with visitation rights to the mother at the father's residence and the option to have the child visit the mother during

one week-end each month during said vacation periods.

page 72] All disputes over custody or support are to be submitted to and to be determined by the Circuit Court of Arlington County, Virginia.

On June 31, 1964, the father filed his petition asking for a modification of the agreement of October 31, 1961 with respect to the joint custody of the child alleging, among other things, that the mother refused to permit a summer vacation of more than thirty days in violation of their agreement and the Court's decree of December 4, 1961 and had exhibited emotional instability over a period of years. The petition prayed for custody subject to reasonable visitation rights of the mother.

On November 2, 1964, the mother filed her response and petition to modify the custody agreement and decree alleging that, since the decree of December 4, 1961, a change of conditions had taken place requiring a modification thereof, namely:

(1) That the child had manifested an emotionally unstable condition, brought on by chronic anxieties intensified by living in "two homes" and "two worlds" causing a confusion of identity.

(2) That the summer vacation visitations to the father should be shortened to relieve the situation.

(3) That she is a fit and proper person to have custody.

The petition prayed that custody be awarded to the mother, subject to reasonable visitation rights to the father.

On the hearing, the evidence disclosed that the mother contacted the father in the Fall of 1963 and requested that the summer vacation visitation period of the child with the father be reduced to one month.

The father agreed to limit the summer visitation to the month of July, asserting, however, that the visitations were not the cause of the disturbed and emotionally unstable condition of the child, which was acknowledged to exist. This condition manifested itself in inability to maintain attention and some bizarre conduct resulting in poor progress in school and otherwise.

Psychiatrists and psychologists who examined the child testified that the condition was brought on by anxieties intensified by living in two houses, causing a confusion of identity and indicated a belief that the child should be more clearly identified with "one home" or "one world." That a period of readjustment before he returns to school from his summer

vacation and after he finishes his school term would be a step in the right direction and would avoid a source of possible emotional upset.

page 73] The summer visitation period was to commence, under the custody provisions of the decree, on June 28, 1964, the day after the last day of school. Although the father had agreed to limit the summer visitation to the month of July, the mother imposed the further requirement for the release of the child to his father that he post a bond of $1500 with the Clerk. The father, thereupon, on June 30, 1964, brought the child from the mother's home in New Canaan, Connecticut to his home in Fairfax, Virginia where he has remained since that time and has been attending Ascension Academy in Alexandria, Virginia since September, 1964. The child has made progress emotionally, socially and academically since July, 1964.

The evidence and testimony established that the father is a fit and proper person to have the care and custody of his son.

The father has remarried and his present wife is an educated and intelligent woman who is a loving and adequate mother to their baby son. They live in a comfortable and adequate residence, described as a normal and happy home in which Cameron has his own room, loving care and such advantages as money may secure.

The father properly took possession of the child on June 30, 1964 under the provisions of the decree of December 4, 1961 and agreement, and has properly provided for his education and care since that time pending this litigation. The child is now with the father in a proper home and is making progress in education and deportment. The present school term in Ascension Academy, where he attends, ends in May or June of 1965.

On the other hand, the evidence indicates that the mother withheld possession of the child in June, 1964 by indicating the requirement of posting bond, contrary to the existing decree and agreement. It disclosed some incidents of irrational emotional conduct and erratic behavior of the mother during their past married life. The reports of her witnesses, Dr. Fred Brown, Clinical Psychologist, dated October 13, 1964 and Dr. Faith M. Ogden, Psychiatrist, dated December 3, 1963, are consistent with the existence of such behavior. Dr. Brown reported that his diagnostic impression is consistent with a mixed neurotic character structure comprising hysteroid and compulsive features intermingled with narcissistic traits and ambivalences that highlight the immaturity aspect

of her personality. That the tests do not stigmatize her as a person "unfit" for motherhood and that the contingent factor in this case focuses upon the type of relationsip she has with her present husband, the degrees to which her marriage is providing her with deeper satisfactions and the kind of emotional climate this is creating in the home.

The report and testimony of Dr. William J. Morgan, Clinical Psychologist, questioned the competence of the mother to function adequately as the child's mother and expressed the belief that the child will become a disturbed and inadequate adult if left under the control of the mother, who appears to be emotionally disturbed.

page 74] Aside from these instances of past erratic behavior and the psychiatric evaluations, the mother is shown to be a good mother to the child born of her marriage to Mr. Gorman; that her home life is a normal and happy one; that she is active in church and that the child, Cameron, would, in her home, have the advantages that money can supply as well as loving care and a satisfactory environment. Substantial testimony was adduced from persons qualified by adequate opportunities for observation showing the mother to be mature or maturing and stable from an emotional standpoint and that she and her present husband have a happy home and a good relationship and are properly interested and working for the education and welfare of Cameron.

The Court has the onerous duty to determine, from all the facts and circumstances in this case, with the aid of the established rules in controversies of this kind, what shall be done for the welfare of the child.

In controversies between parents over the custody of their minor children, the rules to guide the chancellor in his decision were clearly set forth in the case of *Mullen* v. *Mullen* 188 Va.; 259; 49 SE 2d 349. "The welfare of the infant is the primary, paramount, and controlling consideration of the Court in all controversies between parents over the custody of their minor children. All other matters are subordinate."

"The rights of neither parent take precedence over the rights of the child. The welfare of the child is superior to the wishes and personal desires of either of them. In considering their qualifications and fitness, we must look to their adaptability to the task of caring for the child; their adaptability to control and direct it; the age, sex and health of the child; its temporal and moral well being, as well as the environment and circumstances of its proposed home; and the influences likely to be exerted upon the child."

Upon careful consideration of all the evidence in this case and the rules established to guide and shape such decisions, I am of the opinion that neither the father nor the mother has borne the burden of showing that the welfare of the child requires that changes be made with respect to the possession of the child and visitation privileges of the parents under the existing decree and agreement except insofar as a change at this time will interfere with the present schooling of the child during his school term ending in May or June, *1956* and with respect to the period of the possession thereafter of the father during the summer school vacation periods.

The child has need of those things which proceed from the love of a normal mother, along with the guidance, training and security to be had from the normal relationship of father and son. Where these things are reasonably available to the child, he should not be deprived of their advantages.

The advisability of dividing or alternating the custody has been seriously considered. The conclusion has page 75] been reached that the advantages of such future division outweight the disadvantages and any risks involved. The child will have the experience of two separate homes. He is entitled to the love, advice and training of both his father and his mother. Associations, contact and friendly relations with both will protect his future welfare if one should die or become incapable of performing the obligations of a parent. It will give recognition to the rights of parents who have performed their obligations as parents. *Mullen* v. *Mullen, supra. Andrews* v. *Geyer* 200 Va. 107,; 104 S.E. (2d) 747.

The provisions of the custody agreement dated October 31, 1961 approved by the decree of December 4, 1961, should be continued in effect, subject to the following modifications:

The child shall remain in the possession of the father until ten days after the end of his present school term at Ascension Academy, Alexandria, Virginia, which term will end in May or June, 1965. During this period, the mother shall have visitation rights corresponding to those allowed the father during the period when the child was attending school and in the possession of the mother under the provisions of the decree and agreement.

Thereafter the mother shall have possession of the child until ten days after the regular school terms and the father shall have possession each year for the periods commencing ten days after the end of the regular school terms and ending ten days before the commencement of the new school terms.

All other provisions of the decree and agreement, not inconsistent with the foregoing modification, shall remain in effect.

The Court is provided with ample authority under Section 20-108 of the Code to provide for the welfare of the child under any varying circumstances and future events will determine whether the welfare of the child and the circumstances of the parents will require any change in his custody or any reduction or enlargement of visitation privileges.

Counsel for complainant will draft and present for entry a decree, duly endorsed, in conformity with this memorandum. December 10, 1964.

EMERY N. HOSMER
Judge

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page 82]

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ORDER

This cause came on to be heard the 5th day of November, 1964, upon petitions filed by the respective parties asking that the decree heretofore entered in this cause on December 4, 1961 be modified to the extent alleged in each of said petitions; whereupon, the Court proceeded to hear the testimony of witnesses produced by each of said parties, and the argument of their counsel and examined various exhibits filed by each of said parties; and upon the Memorandum Opinion of the Court and the findings of fact therein; and upon consideration whereof.

IT IS ADJUDGED, ORDERED AND DECREED that the provisions of the custody agreement dated October 31, 1961 and approved by the decree of December 4, 1961, should be continued in effect, subject to the following modifications:

1. The infant child of the parties, Donald Cameron Crounse, Jr., shall remain in the possession of his father until ten days after the end of his present school term (year) at Ascension Academy, Alexandria, Virginia, which term will end in May or June of 1965;

2. During the period of possession in the father specified in the aforesaid paragraph, the mother shall have visitation

rights corresponding to those allowed the father in the decree of December 4, 1961; specifically, for the Christmas visitation for the mother in 1964, the mother was to have the child in her home beginning the morning of December 24 and ending the afternoon of December 30, 1964;

3. At the expiration of the period designated in Paragraph numbered One, the said Donald Cameron Crounse, Jr. is to be sent to his mother, who shall have possession of the child until ten days after the regular school terms (years) and beginning ten days prior to the commencement of each new school term (year), subject to the conditions im-
page 83] posed by this decree as well as those not *inconsistent* herewith incorporated in the decree of December 4, 1961.

4. Commencing with the summer vacations starting June 1966, the said Donald Cameron Crounse, Jr. shall be with his father from a period starting ten days after the expiration date of his school term (year), and ending ten days prior to the commencement of the fall term (year) of his school.

5. At such time as Donald Cameron Crounse Jr., is returned to the possession of his mother all visitation privileges for the father provided for in the decree of December 4, 1961, shall be reinstated; except that portion thereof, which refers to the respective parents having custody during Christmas vacations; as of the date of entry of this decree, the father shall be entitled to have the child on Christmas day during odd years, starting with Christmas Day of 1965;

All other provisions of the agreement of October 31, 1961 and the decree of December 4, 1961 not *inconsistant* with the foregoing modifications shall remain in effect.

IT APPEARING to the Court from the Motion to Correct Errors in Record filed by the Complainant that there were certain typographical errors on Page 3 of the Memorandum of the Court, dated December 10, 1964; it is

ADJUDGED, ORDERED AND DECREED that Page 3, Memorandum of the Court, dated December 10, 1964, be and the same hereby is corrected to reflect the date on which summer visitation was to commence under the provisions of decree dated December 4, 1961 as June 20, 1964 and in paragraph 3, of page 3 to reflect that Complainant's second issue is a son.

On written motion of Complainant, by Counsel, to Suspend Execution of the terms of this decree, which motion Counsel for Defendant orally opposed, the Court having denied the request of Defendant's Counsel for time to file Motion with

Points and Authorities in Opposition, the execution of the terms of this decree are hereby suspended for a period of sixty days and thereafter until a Petition shall have been presented and acted on by the Supreme Court of Appeals of Virginia, if such Petition is actually filed within the specified time provided the Complainant or someone for the Complainant shall give or file a bond in the Clerk's office of this Court, with surety to be approved by the Clerk of this Court in the penalty of One Thousand Dollars ($1,000.00) and conditioned in accordance with Section 8-465 of the Code of Virginia, to which action of the Court Counsel for Defendant excepted.

page 84] Entered: February 17, 1965.

EMERY N. HOSMER
Judge

Seen and Excepted to:

T. BROOKE HOWARD
Counsel for Complainant

Seen

ANDREW B. FERRARI
Counsel for Defendant

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page 90]

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Filed Apr 15 1965 Circuit Court, Arlington County, Va.

H. BRUCE GREEN, Clerk

NOTICE OF APPEAL AND ASSIGNMENT OF ERRORS

To: H. Bruce Green, Esq., Clerk of the above named Court.

Donald Cameron Crounse, the complainant in the above entitled cause, by his attorney, T. Brooke Howard, files this

his notice of intention to appeal from an order entered by this Court on the 17th day of February 1965, and assigns as his reasons for the same, the following errors committed by the Trial Court:

1. In paragraph four (4) on page three (3) of the Memorandum of Opinion, the Court states that the testimony of the defendant's own medical witnesses characterize her as an emotionally unstable person, and further states that these same witnesses agree that her ability to function in a normal manner depends upon her present home environment; in paragraph five (5) on this same page, the Court
page 91] comments on the testimony of Dr. William J. Morgan, a witness for the complainant, who, in effect, testified that the condition of the child will become worse, if permitted to live in the home with the mother.

In paragraph one (1) on page four (4), the Court comments on the testimony of certain lay witnesses, who, in effect, testified that the home environment of the defendant is good; the Court erred in reaching the conclusion that the proof was not sufficient to justify a change in custody for the following reasons:

(a) The Court, in reaching its conclusion, rejected the testimony of qualified child psychiatrist, and was largely influenced by the testimony of the lay witnesses.

(b) The Court failed to apply the recognized legal standards to its finding of fact, in determining who should have custody of the child.

2. The Polar Star which controls the Court in its decision affecting a child, is the welfare of the child itself, rather than any desire to appease or satisfy one or both parents; the evidence in this case reflects almost conclusively, the following:

(a) Shortly after the child went to live with his mother and stepfather, he manifested signs or *symtoms* indicating an emotional disturbance; this condition continued up to and including the time this matter was heard by the Court.

page 92] (b) The testimoney of the medical witnesses produced by the defendant, which is certainly

substantiated by the complainant's own witnesses, is unanimous in saying that the defendant is an emotionally disturbed person and has been for a long period of time.

(c) The medical testimony of the witnesses of both the complainant and the defendant agree that it is not to the best interest and welfare of a child to live under these conditions; and this is particularly true if there is any evidence of hostility in the home in which the child is residing.

(d) The testimony of medical witnesses produced on behalf of both the complainant and defendant clearly indicates a hostile attitude on the part of the stepfather, which is confirmed by the testimony of the stepfather himself, and statements of the child made to Dr. Morgan.

Under the rules of decisions of this Court, testimony of all medical witnesses indicates clearly that it would be to the best interest and welfare of the child to live in the home of the father, rather than the mother, and the Court erred in its decision that custody of said child should be given to the mother.

DONALD CAMERON CROUNSE
Complainant
By T. BROOKE HOWARD
Counsel

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Dep.
Page 2]
1/21/61

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MRS. SHIRLEY FRIZZELL,
was called as a witness, and having been first duly cautioned and sworn, deposes and says:

DIRECT EXAMINATION

By Mr. Louis:

Q. State your full name, please m'am?

Mrs. Shirley Frizzell

A. Shirley Frizzell.
Q. Mrs. Frizzell, where do you live?
A. 1282 S. W. 2nd Avenue, Pompano Beach, Florida.

Dep. page 3] 1/21/61

Q. Is this deposition being taken in your home?
A. Yes, it is.
Q. Do you know Donald Cameron Crounse?
A. Yes; I do.
Q. How long have you known Mr. Crounse?
A. Since 1946.
Q. Where did you know him in 1946?
A. I met him in school. We went to school together.
Q. Where was that?
A. Arlington, Virginia, Washington & Lee High School.
Q. Since that time have you had reason to keep your acquaintance with him?
A. Yes; I have.
Q. Do you know his wife, Aneen Parker Crounse?
A. Yes; I do.
Q. How long have you known Mrs. Crounse?
A. I met Aneen in 1954 — no — I am sorry, about 1950.
Q. In 1950, and under what circumstances did you meet her?
A. She and Donald were dating and I was married, and Donald brought her to my home.

Dep. page 4] 1/21/61

Q. Where was that?
A. Arlington, Virginia.
Q. Since that time have you more or less kept up your acquaintance with both parties?
A. Yes; I have.

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Dep. page 11] 1/21/61

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Q. Tell about this argument — first tell who was present, if you remember?

Mrs. Shirley Frizzell

A. Myself, the Crounse's — the children were asleep — and my husband.

Q. Where did the argument take place?

A. In this room.

Q. In the room we are taking the deposition in?

A. This room here.

Q. Tell the best you remember about what time was it?

A. It started along about midnight, I suppose, or close to midnight.

Q. August of 1958?

A. Yes.

Q. Go ahead.

A. I don't recall really what brought the argument on, I really don't, but it was a good heated argument, and my husband had gone to bed before the argument started, and it *go* so heated, I was really concerned about both of them they were so excited and yelling, and I went back and got my husband up to come out and see if he could calm it down, and he stayed out quite some-time, during which time Donald went back to bed, and my husband sat and talked to Aneen quite some time. They were both very excited, and he was trying to calm both of them down.

Dep. page 12] 1/21/61

Q. Do you remember anything that was said between the parties, or anything was done between the parties, and I say again, you are under oath.

A. Yes.

Q. I just want you to repeat it just as you remember it.

A. Well, at one point of the argument it was where Donald would practice law when he graduated from school, and they discussed it, and Aneen said she did not want to live in Arlington County, and she didn't particularly care for his parents; that she didn't get along with them it seems, and that was one of the points, not wanting to live there, because that is where they reside.

Q. Did she make any comments in regard to either of Mr. Crounse's parents?

A. Yes.

Q. Try to remember just what was said as you remember?

A. I am not going to repeat the language either one of

Mrs. Shirley Frizzell.

them used to be frank with you.

Dep. page 13] 1/21/61

Q. All we are trying to do is bring out what happened, and I will ask you to tell us. I can't force you to do anything.

A. Let's put it this way — there was quite a bit of profanity between both of them. None the less, Aneen didn't get along it seemed — or whether she got along or not, I don't know. I was never present in company with Donald's father and Aneen. I never met his father, but it seemed Aneen did not care for him, and she made several remarks that she didn't care for him, and she didn't feel that he cared for her, and she did call him several things — well it was profanity.

Mr. Rucker: May I say this? Your husband suggested you go ahead and testify freely on it, and I want it in the record and I would be willing, as far as I am concerned, for you to testify as to what both of them said.

The Witness: Well, Aneen made the statement that her parents, not Donald's, but her parents were putting Donald through law school with help financially, and Donald's father was not doing anything to speak of, therefore, his father did not have any reason to put on an act of "Holier than Thou." It seemed from Aneen that he gave the impression he was doing this and that, and she felt it wasn't true at all.

Q. Doing what?

Dep. page 14] 1/21/61

A. Putting Donald through law school, and helping them financially, but that Mrs. Crounse's father had, and she did call Mr. Crounse an S.O.B.

Q. Did she use those letters?

A. No; she used the words.

Q. I think that is clear enough. Did she say anything else?

A. Yes; she used one word quite often that evening in regard to Mr. Crounse.

Q. What word was that?

A. I will spell it f-u-c-k.

Q. How did she say that?

A. Well, in other words, during this argument, when they were both arguing over the fact who had done them the most good in financial help, that is when she said Mr. Crounse was not doing what he gave the impression he was doing as far

as financial help goes, and that is when she used the word. This is terrible.

Q. Have you ever testified before?

A. No; and I hope I never have to again.

Q. Mr. Rucker is a very experienced attorney, and you are not going to shock anyone, so if you will tell us in context and what ever relevancy there is, we will let the Court decide, but more or less tell in what context she used these words.

A. Well, she said he was a fucking son of a bitch.

Dep. page 15] 1/21/61

Q. How often did she say that?

A. Numerous times.

Q. What did Mr. Crounse say, if anything?

A. He was yelling right back at her. In other words, he was taking up the part of his father, while Aneen was arguing against his father, and they were both yelling back and forth at each other.

Q. Did Mr. Crounse *used* any vulgarities or profanity?

A. Yes; insofar as damn and hell and things of that sort.

Q. What was he doing while she was saying what she was against Mr. Crounse?

A. He was more or less taking up for his father, and they both were yelling.

Q. I would like to get the whole dialogue if you remember, when you say they were yelling.

A. It was yelling — it was very loud.

Q. I notice your home seems to be air conditioned?

A. It was not at that time.

Q. It was in the summer?

A. Yes; and the windows were open.

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Dep. page 26] 1/21/61

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Q. Did you ever observe any incident in which the child

Mrs. Shirley Frizzell

was hurt?

A. Yes; evidently he had weakened his shoulder, so to speak.

Q. You say he had weakened his shoulder?

A. It seems he must have weakened it because Aneen told me when they were in Charlottesville coming home from grocery shopping, and she tried to hold onto him, and he started to dart in front of a car, and she grabbed him by the arm, and his force running, and her grabbing, pulled his shoulder out of place.

Dep. page 27] 1/21/61

Q. How long before coming to Florida?

A. It couldn't have been much more than six months.

Q. And he weakened his shoulder?

A. Evidently it had been weakened, and the house next-door now was not there at the time — there was a vacant lot with broken glass and cans, and really a hazard, and we had a horrible time keeping my son out of the lot, and when Cam was here, the two of them would go out and play, and the first *time* they would do would be go to the vacant lot, and we would go out and spank them both and bring them in the house, and put them somewhere else to play.

Q. Is your son Cam?

A. That is Crounse's son.

Q. What is your son's name?

A. Andy.

Q. What is their relationship as far as age?

A. Andy at the time was four, and Cam was under two. There are several years difference, and I would tell Andy to keep Cam out of the vacant lot, and he would say he would, and I would turn around, and they were both back in the lot, and I would go out and spank them again, and one day I was in the kitchen doing the breakfast dishes, and once that morning I had had to go get them out of the lot, and the second time they went back in the lot, I was in the kitchen, and the side of the carport was not built in at the time, and I had a full view of them, and I called Aneen and said they were in the lot again, and she came out and went out to get them. As I recall I called Andy and he came, and Cam didn't — he stayed in the lot, and she went in to get him, at which time he started

Dep. page 28] 1/21/61

running toward her, and she took him by the arm and pulled him out of the lot, and it threw his shoulder out of place again, because he was favoring it, and carrying it at a peculiar angle. So I said — they were leaving the next day — and I said I thought they should take him to a doctor because of taking the trip in the car, and it looked to us like it was out of place, so I called the doctor.

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Dep.
page 58]
1/21/61

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JAMES FRIZZELL,
was called as a witness, and having been first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

By Mr. Louis:
Q. What is your name, sir?
A. James Frizzell.
Q. Mr. Frizzell, are you the husband of Shirley Frizzell who was just testifying?
A. I am.

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Dep.
page 62]
1/21/61

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Q. Let's get to the point. You are under oath — tell what happened as you heard it, as you remember it.
A. I remember it took place a long time ago.
Q. But it was unusual?

James Frizzell

Dep. page 63] 1/21/61

A. Yes; it was unusual. There are only certain things that come to my mind. I came out, and Nooney was pretty hysterical, and I got a little rough — not rough, but I stepped into the thing.

Q. Was she saying anything?

A. Yes, she was cursing.

Q. Tell what was said?

A. To be perfectly honest with you, I can't remember the exact words, but it was profanity she was screaming.

Q. Did she make any remarks about Donald's father you heard, or remember?

A. Not that I heard or remember.

Q. When you say profanity, have you ever heard her use profanity before?

A. No.

Q. Times you have seen her, does she sprinkle her conversation with profanity?

A. No.

Q. This was unusual — out of the way?

A. Yes. When I came out I was half asleep, I guess, but there were two things that worried me; one to calm the thing down, and the second thing was the neighbors.

Q. Who was doing the screaming? Was it Donald?

A. No; Nooney.

Dep. page 64] 1/21/61

Q. Did she claim she was struck or beaten or anything like that?

A. Not that I remember. Acutally, the main thing that I remember that happened — I came out and quieted her down, and as I say, I may have gotten a little rough with her, but only for the purpose of quieting her down, which worked, and as I recall, shortly after I came out and got things more or less under control, Donald went back to bed, and Nooney and I sat out here quite a while, because I was worried about her, and we talked quite some time.

Q. Do you remember anything about that conversation?

A. Yes; I remember certain things we talked about. I was stationed in Europe for three and a half years.

Q. In what capacity?

A. Air Force, and as I recall in Charlottesville, Nooney

and I talked about Europe and things like that. We both liked Europe, although the thing that worried me was that in my own opinion Nooney had the wrong concept about life in general in respect to Europe. We got into a — not an argument, but we sat out here and discussed Europe and things like that, and it worried me.

Q. What was her concept of Europe? Was she speaking of politics?

Dep. page 65] 1/21/61

A. The whole thing — we got to talking about customs and Nooney seemed to think the European way of life was far better than our way of life, which bothered me, because as I say, I had been over there, and I wanted to get her, as far as my own personal opinion, get her on the right track, as I thought she was on the wrong track. She was on the idea of living in cold flats — cold water flats, and she thought that was far better, more realistic than our life, and the whole conversation bothered me quite a bit. We got to talking about Communism, and things like that, and her philosophy during the conversation bothered me, and I was trying to change her mind or find out why she felt the way she did.

Q. This is the point, the parties are getting a divorce, and custody of the child is at issue, and we are not interested in any of her political views only that it might effect her qualifications and requirements to have custody, charge and upbringing of the minor child of this marriage. So pointing the question directly to you, would you tell what you were discussing as effects her qualifications as a mother?

A. I can't tell you whether or not it involves her qualifications as a mother. I can tell you what happened, and have somebody else judge, but certainly not myself.

Q. You spoke of cold water flats and Bohemian life, did she like that type of life?

Dep. page 66] 1/21/61

A. That is what she discussed with me — whether she does or not, I don't know. The conversation and the whole deal bothered me because she was so to speak knocking our way of life, and I had been over there and had seen the whole thing, probably more so than she had, and it bothered me that Nooney, whom I liked and loved very much, would come out

with this type of philosophy. In other words, knock our way of life. There are certain things I like about Europe, and we discussed those.

Q. Did you get on the question of religion?

A. Yes.

Q. Tell about that.

A. As I recall, we got into a discussion about religion, and she said as far as she was concerned, religion was no good. She believed in — she didn't believe in religion, but she believed in existing as you feel — in other words, that type of thing.

Q. When you speak of religion, did she voice any opinion as to whether her belief was that there was a God, or anything like that?

A. Not that I recall. The thing that bothered me after we discussed various things, while I told Nooney, I said. "Nooney, you are talking along the Communistic philosophy, whether you know it or not." And I said, "As far as that is concerned, the philosophy of Communists, I think, in its pure sense, could be wonderful, but it could never be that way. I think you are under a misbelief." And we discussed that for a while, and it worried me quite a bit, because, as I say, loving Nooney, I hated to see her come out with these statements of belief.

Dep. page 67] 1/21/61

Q. In speaking of your love for Mrs. Crounse, we understand that is as to friendship, and you are not *impuring* anything improper?

A. I am talking about friendship, and they are equal as far as I am concerned.

Q. You have concluded, whether she knew it or not, her philosophy coincided with the Communistic philosophy, with the understanding that you are not calling her a disloyal American?

A. Yes.

Q. Tell what was said?

A. This we agreed on. And this had nothing to do with marriage, our marriages, but we were talking about girls, and the fact that European girls to my mind, and we agreed, were honest, whereas American girls were dishonest in their *philospthy* on that type of thing.

James Frizzell

Q. When you say they are honest, you mean they followed their desires?

Dep. page 68] 1/21/61

A. Yes; and did not try to hide anything.

Q. You are speaking as to morals and vice?

A. Yes.

Q. And they lived in the open, and that is how you classified the European women, and you agreed on that type of life rather than the way they did it in America?

A. I didn't agree, and I wouldn't think of trying to put that life — that type of life over here, but we both agreed that is the honest course. In other words, as an attitude, another belief, we both of us, believed this was something which was good.

Q. She indicated that she preferred that type of honest life known to Europeans?

A. Yes.

Q. That is what disturbed you?

A. I can't come out and tell you what was actually said in terms of words, but the only thing I can remember is the impression that was left with me after the discussion.

Q. And you have already explained that impression?

A. Yes.

Q. You were trying to dissuade her by reasoning?

A. Right.

Q. Did she ever discuss with you — have any conversation with Mrs. Crounse regarding her marital relations with her husband or anyone else?

Dep. page 69] 1/21/61

A. I think we discussed it to some extent that night. I tried, but I don't remember. I have the impression we did discuss the things that night — I am sure we did, because it was one of the reasons I came out and tried to quiet her down.

Q. Do you know whether you discussed any incident regarding a chap at the University of Virginia Law School — a classmate of her husband?

A. Yes.

Q. What did she tell you about that?

A. She told me she had relations with another man, and was sorry for it, and was sorry after she did it.

Q. In fairness to her, did she say this as an isolated in-

cident?

A. I couldn't tell you that, all I remember is the fact that it was discussed and she said she regretted it.

Q. She said she regretted it?

A. Yes.

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Dep.
page 71]
1/21/61

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Q. Mr. Frizzell, I am going to ask you this question, and ask you to give me an answer. Do you have an opinion from what you were able to observe, based upon your experience as a father, as to which one of these parties would be more proper to have custody as to the welfare and bringing up of this child, as to the interest of the child, as distinguished from their individual desires? You can answer yes or no — do you have such an opinion?

Dep.
page 72]
1/21/61

A. I can't answer it, because I don't think I am qualified to answer it. All I am testifying to is what took place the time I saw Nooney and Donald together. Now, as far as that is concerned, the incident down here worried me, but as far as which one of them —

Q. Which incident — the conversation?

A. The conversation, the fight, the argument. But as far as which one of them should have custody, I am not capable of saying. I think I told Nooney that night it worried me — her thinking because I didn't think it was compatible with our way of life, and I thought she better straighten herself out. Now, whether this is her true feeling or not, I am not capable of testifying, because as I say, this was an isolated incident, but it worried me at that time, her thinking on various subjects.

Q. Which parent exhibited the most interest in the child while they were in your home as you were able to observe?

A. As I was able to observe, I would say Donald, but I will qualify that by saying the fact that I was away most of the time except weekends, and things like that, as I was working.

Q. But you saw them in the evenings?

A. Yes; and I saw them during the day too.

page 22]

* * * * *

ARLENE M. RIGOULOT,

having been duly sworn, was called as a witness by and on behalf of the complainant, was examined and testified as follows:

DIRECT EXAMINATION

page 23] By Mr. Howard:

Q. Mrs. Rigoulot, give us your full name and your address, please.

A. I am Arlene M. Rigoulot. I live at 803 Santayana Drive, Fairfax.

Q. Are you employed?

A. I am.

Q. What capacity?

A. I am an eighth grade music teacher at Thoreau Intermediate School.

Q. How long have you been teaching school?

A. Ten years.

Q. During that period of time, what grades have you taught?

A. 4th, 5th, 6th, and 8th.

Q. And you are now presently teaching what grade?

A. 8th.

Q. Eighth grade?

A. Yes.

Q. Now, do you know Sandra Crounse and Donald Crounse?

A. I do.

Q. Where do you live with relation to where they live?

Arlene M. Rigoulot

A. I live to their left, immediately to their left.

Q. How long have you known the two of them?

A. Three and a half—four years.

Q. Were they living there first or did they move
page 24] in after you moved in?

A. Mr. Crounse was living there at the time we moved to our present address.

Q. Do you have any children?

A. I have three.

Q. What are their ages?

A. 18, 19 and 21.

Q. Now, do the Crounses, to your knowledge, have any children?

A. Yes.

Q. How many children do they have?

A. They have one child, the two of them.

Q. Do you know whether or not Mr. Crounse had a child by a previous marriage?

A. Yes.

Q. Do you know the name of that child?

A. His name is Cameron.

Q. Do you know the child himself?

A. Yes.

Q. How long have you known him?

A. Since July of *60, off and on; not constantly but off and on I have known the child.

Q. Do you know where Cameron is now living?

A. He is presently living with Donald and Sandy Crounse.

page 25] Q. How long has he been living there on this occasion, if you know?

A. I would say since this past summer, but I am not quite sure.

Q. Do you ever visit in the Crounse home?

A. Yes, I do.

Q. How frequently in the last four or five months would you say you visited in the home?

A. That is rather difficult to say; once, twice a *wek.*

Q. Do they ever visit in your home?

A. Yes.

Arlene M. Rigoulot

Q. Do you consider that they are close and *firendly* neighbors?

A. Very.

Q. Have *youhad* an opportunity to observe both Mrs. Crounse and Mr. Crounse so far as being good or bad parents is concerned?

A. Yes.

Q. Have you seen either or both of them with the child Cameron?

A. Yes.

Q. And based on what you observed what, if anything, can you say to the court about the attitude of Mrs. Crounse or Mr. Crounse towards the child?

page 26] A. One of the—

Mr. Ferrari: Your Honor, if it please the court, there is no issue in this case with respect to the fitness or ability of Mr. and Mrs. Crounse as to their parenthood and I don't see what this line of questioning is getting to.

Mr. Howard: Can I say this? Can we stipulate for the record that Mrs. Sandra Crounse and Mr. Donald Crounse are proper people to have custody of this child if the court sees fit to place the child with them.

Mr. Ferrari: Your Honor, this is not an issue.

Mr. Howard: I think that it definitely is an issue because we are asking this court to place the child in the home where the Crounses now live and if the Court should do that, it certainly will come under the supervision of Mrs. Crounse to some extent.

The Judge: Unless it is stipulated that both parents are not only fit and proper to have custody of the child, but that they have proper places in which to keep and rear the child or have custody of the child, the matter of testimony along this line will assist the Court.

Mr. Ferrari: All right, sir. Then let Mr. Howard proceed.

By Mr. Howard:

page 27] Q. Mrs. Rigoulot, I believe you have already testified that Mr. and Mrs. Crounse have a child of their own and you might have said, *Idon't recall,the* age of

Arlene M. Rigoulot

that child.

A. I would say ten months.

Q. And do you know that child? Have you ever seen that child?

A. Yes.

Q. Have you had an opportunity to observe any care or attention given to that child by Mrs. Crounse?

A. Yes.

Q. What, if anything, can you say to the Court based on your observations about her quality as a mother?

A. Very deep affection, consideration, love, understanding and unselfishness.

Q. Have you had an equal opportunity to observe her in that respect so far as Cameron is concerned?

A. Yes.

W. What would your answer be so far as Cameron is concerned?

A. I would reiterate my adjectives.

Q. Have you had an opportunity to observe Cameron and his father, Donald?

A. Yes.

Q. I assume you have, from time to time, seen them together?

page 28] A. I have from *tie* to time seen them together.

Q. Again, based on your observation, what, if anything, can you say to the Court about the attitude of Mr. Crounse toward his son Cameron?

A. Most healthy father-son relationship.

Q. Again, based on your own knowledge and observation, do you know whether or not Mr. Crounse spends any time with his son Cameron?

A. He certainly does.

Q. Of your own knowledge, do you know whether or not he ever takes him any place?

A. Definitely. He recently took him to the game down to Charlottesville. This was two weeks ago. On several occasions he has taken him fishing for several weeks, which included several days at a time; two or three.

Q. Based again on your own observation, have you had an opportunity to observe the attitude of Cameron toward

his father?

A. Yes.

Q. What comments can you make to the court about that attitude?

A. He loves him and respects him.

Q. Why do you say that?

A. He loves him. He is demonstrative in his affection. He is to my observation very happy. This is just
page 29] from my own opinion. I would say that he loves Donald very much and admires him.

Q. Now, directing your attention to June or July of this year, do you recall seeing Cameron in and about the Crounse home?

A. I can't say for sure; when you specify June or July, I can't say for sure.

Q. What is your recollection as to when you first remember seeing him around the home?

A. My earliest recollection is the beginning of the school year. I am not sure; I can't think whether I saw Cameron in August or July. I can't say. I can't date it specifically.

Q. Well now, directing your attention at least to the year 1960, whatever month it might have been in, was there ever a time that from Cameron's behavior it caused you any concern?

A. Well, being a teacher, I am very censorious and critical of children's behavior. When Cameron first came into the neighborhood, he was obnoxious.

Q. Pardon me. You say when he first came into the neighborhood. Are you in a position to say that is the time he started to live in the home with his father?

A. That was either the latter part of the summer or first part of the fall. I was speaking to my neighbor
page 30] to my left. They were twice on the other side of the Crounses. The neighbor complained to me of Cameron's behavior and she spoke of other neighbors complaining about Cameron's behavior because he was throwing sticks; he was throwing stones; he was quite obnoxious to the neighbors. I would say this was July or August.

Q. Did you yourself have an opportunity to observe any behavior on his part in that respect?

Arlene M. Rigoulot

A. During that time; yes, I watched him. I—yes, I saw him.

Q. Could you amplify for the benefit of the Court what Cameron did to make you feel, as you say, that he was obnoxious at that time?

A. He threw stones at my bedroom window. So I called him down. He left the property. Later he had a broken crutch of some kind. He threw the broken crutch down in the drive. He ran and I stepped outside and I admonished him severely saying if this was not his property *ane* he should not *leavee* it on mine. He was to directly pick up these broken pieces and take them back on his property, which he did. He came over immediately and picked them up and went back over to his yard.

I was very impatient with him because I don't care for that type of behavior. This was in August or September, as I say. Again I can't recall exactly.

page 31] Q. What was his general attitude when you would approach him about these things?

A. He didn't say anything. He wasn't insolent or disrespectful. He just ran back home.

Q. Now, again speaking about that pattern of behavior, did that get better as time went on, or did it get more difficult so far as the neighborhood was concerned?

A. Oh, he is—there isn't any comparison; he is so much better. He is polite; respectful; very much a young gentleman. There is just no comparison as far as improvement of behavior is concerned.

Q. What period of time have you observed this change you have just described to the court?

A. Two or three months.

Q. I believe you already testified you did have conversations with other neighbors in the area about Cameron's behavior when he first came there.

A. Well, yes; this was called to my attention; his disrespectful behavior was called to my attention when he first arrived. I have not heard anything lately. Cameron has not come in the conversation but I have not heard anything derogatory from that, or since that time.

Q. When he first came there and you observed what you

did and based on what other neighbors said, what would you say, then, was his general reputation among the neighbors?

page 32] A. At that time?

Q. Yes.

A. It wasn't a good one.

Q. As of now, what would you say is his reputation among those same neighbors now?

A. I would say he would be very much welcomed as of this time.

Q. Have you heard any complaints recently from those same neighbors?

A. I have heard no comments.

Q. When you say as far as you personally, the *defin-* change, definite improvement, is this based on what someone told you or on your own observation?

A. This is based on my own observation.

Mr. Howard: I think that is all.

CROSS EXAMINATION

By Mr. Ferrari:

Q. Mrs. Rigoulot, I know it is very difficult to try to pinpoint you down to specific dates and I am not going to try to do this, but I am a little confused with respect to months. I think you know we can narrow it a little, possibly.

A. Yes.

Q. Now, my understanding, then, you think it might be the latter part of the summer that you observed this obnoxious behavior that you are talking about, possibly in August?

page 33] A. I would say the very first part of September or the latter part of August, because my daughter was home and she is the one who called my attention to the fact he had thrown stones at her bedroom window. She left for college the middle of September, so you see—

Q. Approximately around that time?

A. Yes.

Arlene M. Rigoulot

Q. You have testified concerning the improvement you have observed in Cameron.

A. I have.

Q. Now you said you have noticed that this was in the past two or three months. Well, of course I presume you had rather narrow that down to—

A. I will say two months, to be more specific.

Q. September and October?

A. Yes.

Q. So this obnoxious behavior would be in the latter part of August, first part of September?

A. Yes.

Q. And then the much finer behavior in the middle of—

A. Okay.

Q. Okay?

A. Right.

Q. This would have been after he returned to school, I believe, or do you know that he is in school?

A. I would say he in school; yes.

page 34] Mr. Ferrari: Thank you.

REDIRECT EXAMINATION

By Mr. Howard:

Q. Mrs. Rigoulot, just one thing further. Do you have any recollection of Mrs. Crounse and Mr. Crounse taking a trip this past summer?

A. I believe they went down to Florida. They went to the beach and they also went down to Florida.

Q. Let me ask you this again. Directing your attention to the time Cameron was obnoxious, did you reach the conclusion, do you recall, before they took this trip or after they returned from this trip?

A. I don't remember.

Q. You don't remember?

A. Oh, one moment. The trip to Florida was the latter part of August, I believe, and I noticed some behavior the first part of September. I can't say specifically.

Q. You don't know whether it was before or after the trip they made to—

A. One doesn't connect to remember a day of the month.

Mr. Howard: All right. Thank you.
Mr. Ferrari: No further questions.
Mr. Howard: May this witness be excused?
The Judge: You may be excused.

(Witness left the stand.)

page 35]

* * * * *

QUIN S. ELSON,
having been previously duly sworn, was called as a witness by and on behalf of the complainant, was examined and testified as follows:

DIRECT EXAMINATION

By Mr. Howard:

* * * * *

page 38]

* * * * *

Q. Have you had an opportunity to see Cameron with his father?

A. Yes, sir, I have.

Q. What comments can you make to the Court based on your observation with regard to the boy towards his father and Mr. Crounse toward Cameron?

A. Well, Mr. Howard — I have seen Mr. Crounse and his son Cameron in several situations. I have seen him when they were with adults. I have seen them when they were with other children who are more or less the age of Cameron. I have had occasion to have Mr. Crounse and his son on board my boat *fish-* fishing and other adults and other children. I have seen them around the house. I think Mr. Crounse at all times —

his attitude is one of a dutiful father. I have never seen him do anything to the child that a good and dutiful father wouldn't do. He seems to correct the child when he needs correcting. On two occasions that I can recall, one at a horse show and one at a political rally, Cameron started to climb the trees with the other boys. Of course he was not alone, and Mr. Crounse told Cameron to get out of the tree page 39] for his own well being. Same thing at the horse show. Same as the other child. He was climbing on the shed. He told him to get down, and he got down. I think the boy's attitude toward his father is one of respect.

I certainly have never seen him sass his father, if I can use that term. I think from what I can see as a layman and as a law man can, there is a feeling of love on both sides.

Q. Now, Mr. Elson, speaking about these twelve times you feel you have been in the home, I know it is hard for you to pinpoint this, but do you have any idea how many times you have been in the home since, say July or August of this year?

A. Mr. Howard, I *couldn* — I don't think more than three times, and not less than two or three times at most, I would say.

Q. And have you seen Cameron and his father at any place other than at home during that same period of time?

A. Yes, sir, I have. I have seen him in my office. I have seen him in the Commonwealth Attorney's office in Fairfax with his child. I have seen him at several places, as I have just mentioned, one at this horse show and also at two meetings, political meetings in Fairfax County, which a lot of children came to. There were barbecue-sort of affairs, and there were a lot of children.

page 40] Q. Mr. Crounse was, and I believe at the time you mentioned, was employed with the Commonwealth Attorney in Fairfax County?

A. Yes, sir.

Q. Are the observations that you have given the court about his attitude toward the child and the child's toward the father based on these times both in and out of the home?

A. Absolutely.

Q. Speaking about the behavior of the child and the atti-

tude of the child, directing your attention to July and August, have you noticed any change between July and the last time you saw the boy?

A. No, sir; I can't say I have really noticed a change in the boy. I have noticed a change in the boy over a period of time, though not since July, but prior to that, if I can amplify. When I first knew Cameron I guess it was about two years ago he was down here on summer visits and Mr. Crounse had him out fishing with me and Judge Groves and another attorney's son and several other people and I noticed at the time that the boy had a nervous habit of jerking his head down and he would have some problem in eating.

Of course, all boys are hungry and try to stuff the food in their mouth to get in as much as they can. Cameron seemed to be overzealous in getting food into his system and had some trouble in coordinating in that respect.

page 41] It was the only thing unusual and I have noticed since *them* that Cameron seems to be, you might say calmer. I don't notice this nervous tick, as you might call it, *or* do I notice any particular problem so far as eating or anything of that nature is concerned — I would just say generally that he is calmer; I don't know why, but generally he is calmer.

Q. There is a definite improvement as far as you are concerned?

A. As far as those two aspects are concerned; yes, sir.

Q. Mr. Elson, based, again, on your knowledge of Mrs. Crounse and her husband, together with your observations of the two of them in the home with their children and on the outside with their children, do you have an opinion as to whether or not either or both of them are qualified to have the custody of Cameron if the Court so decides?

A. I think there is no qualification about that. I think that both of his parents would absolutely be qualified to have the custody of Cameron.

Mr. Howard: I think that is all we want to ask him.

CROSS EXAMINATION

By Mr. Ferrari:

Q. Quin, you have seen this child for the last two years on

and off and as you testified on those two minor problems about the eating, was it, and nervous tick, you
page 42] have seen that improve. That is your testimony?

A. I have seen that the boy, Mr. Ferrari, is much calmer. Now I would say he no longer has this tick, as I stated previously, and as far as the eating is concerned. I don't know. Anyhow, he may have it, but I don't know it.

Q. This has been over a two-year period that you have been seeing him?

A. That is right. It has not been overnight.

Q. And how long did you continue to observe this from the first part of the two years?

A. Well, as I say, I saw Cameron on and off. Mr. and Mrs. Crounse have their own circle of friends and I have my circle of friends. We are — I would not say we socialize — that I am over there all the time and they are over to my house all the time. I can only say it is a casual observation. I noticed this particularly on the boat and at the time Mr. Crounse brought Cameron down for the weekend to the Yacht Club.

Q. But you can't recollect since that particular time you mean it is pretty difficult to say when the change happened or anything; you just never happened to take notice of it again?

A. No. I have seen him after that and as far as the condition is concerned, it was there but I think now it has become better. I can't say when it happened or why it happened.

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page 46]

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AMOS CAMERON CROUNSE,

having been previously duly sworn, was called as a witness by and on behalf of the complainant, was examined and testified as follows:

DIRECT EXAMINATION

By Mr. Howard:

Q. Mr. Crounse, state your full name, please.

Amos Cameron Crounse

A. Amos Cameron Crounse.

Q. And where do you live?

A. I live at 2907 Key Boulevard, Arlington, Virginia.

Q. You are a retired attorney?

A. That is right.

Q. Now, Mr. Crounse, are you the father of Donald Crounse?

A. I am.

page 47] Q. Do you know his former wife, who is now Mrs. Gorman?

A. I do.

Q. Do you know his present wife Sandra?

A. I do.

Q. Do you know Cameron Crounse?

A. I do.

Q. And do you know Bryan Crounse?

A. I do.

Q. Now, where does your son now live, Mr. Crounse?

A. He lives at 801 *Stntayana* Drive, Mantua Hills, Fairfax, Virginia.

Q. And during the period of time that your daughter-in-law Sandra and your son have lived there, have you visited in the home?

A. Quite often.

Q. Specifically, have you been in the home since July of this year?

A. Oh, yes.

Q. Are you familiar with the physical layout of the house in which they live?

A. Yes, sir.

Q. Can you tell the Court how many bedrooms there are in that house?

A. There are four bedrooms in the house.

Q. Of your own knowledge do you know whether

page 48] or not Cameron occupies one of those bedrooms?

A. I do.

Q. Of your own knowledge, do you know whether he occupies that room alone?

A. That is right, he does.

Q. Now, Mr. Crounse, directing your attention to the time

when your son was married to Mrs. Gorman, can you state, not the street addresses, but the towns in which they might have lived, as you recall them?

A. Well, I don't know the addresses in the different towns. They one time lived together in Germany. When my son was in the Army. They lived together at Havre de Grace, Maryland when he was at Aberdeen Proving Ground, and they lived at 128 Monroe Lane in Charlottesville, Virginia.

Q. Did they ever — did they ever live in New York City?

A. Yes. I think it was 75 Remsen Street, Brooklyn, New York.

Q. Do you know whether their son Cameron was born before Donald was overseas or after they returned from overseas?

A. He was born after they returned from overseas. He was sent overseas in November — in May, I believe — anyway, sometime in May 1954. And came back in 1956.

Q. After your son returned from overseas did he go to law school at the University of Virginia?

A. Yes. He not only went to law school and he graduated from the Arts and Science, and then entered the law school in 1956 and graduated from the law school.

page 49]

Q. Now, to your knowledge, did his then wife, who is now Mrs. Gorman, live with him in Charlottesville?

A. That is right.

Q. And did they subsequently go to New York City to live?

A. Yes, sir.

Q. Now, during the time that they were married and living together both in Charlottesville and in New York City did they ever visit in your home in Arlington?

A. Well, they did when they lived in — when they lived in Charlottesville, but I don't think they did when they lived in New York — Brooklyn.

Q. Not during the period —

A. Except some time early in the year 1960, when they both came to my home in Arlington but my son and my daughter-in-law remained overnight that time.

Q. Based on your observations of the lady who is now Mrs. Gorman, when they were living in Charlottesville, when

they were living in New York City and when they visited in your home while they were living in those two places, can you tell the Court anything about any unusual behavior on the part of Mrs. Gorman?

Miss Harrison: Your Honor please, I object
page 50] to this line of questioning.

The decree entered by this Court is dated September 4, 1961. Both parties are petitioning under the Virginia Code Annotations in support thereof. The primary principle of law before this Court is a change of circumstances and conditions since the entry of the decree on December 4, 1961, which would warrant a change in the direction or determination of custody in this case from the terms of that decree.

I am prepared to submit to the Court authorities in support of the fact that without laying a proper foundation the evidence Mr. Howard is attempting to elicit on this particular point is irrelevant and immaterial, and in support of that, I submit to the Court Nelson on Divorce and Annulment, Section 15.49 and the cases cited thereunder; 17-A, American Jurisprudence 842 and the annotations thereunder. I would like to quote to the Court the general language of those sections, or I would be happy to present the Court the book so the Court might read them as the Court wishes.

If I may read from Section 15.49 of Nelson on Divorce and Annulment, that paragraph headed "Hearing on Application of Modification of Custody Award:

"When an application for the modification of order or decree with reference to the custody of minor children is presented to the Court, the adverse party
page 51] must be given proper notice and opportunity to be heard. A judicial proceeding to be conducted in a strictly judicial manner in which the decision is to be rendered by the judge only upon evidence before him the question whether a parent is the fit or proper person to have the custody of a minor child refers to his or her fitness. Reference to the time of the hearing on that question and the determination of that question is not necessarily controlled by the conduct of the parents many years prior there-

to. Hence, in a proceeding for the modification of the provisions of divorce decree awarding the custody of a minor child of the parties, evidence of misconduct of either parent prior to the entry of the divorce decree may be excluded as immaterial. But it is improper to exclude evidence of improper conduct of divorced parents from the time of the separation of the parties or to limit it to that occurring within a few months prior to the hearing of the application for a modification of the decree.

"Since evidence regarding the habits and conduct of the parents during the excluded period may be material in determining the fitness of that parent to have custody of the child while evidence relating to a parent's be-
page 52] havior to the original decree may not be admissible as original evidence and decision may not be predicated thereon except in very unusual cases. Yet it may be received in corroboration of subsequent misconduct or for the purpose of showing that subsequent conduct of the party discloses a subsequent change of condition upon which the original decree was entered."

And I submit paragraph 15.49 of Nelson and the cases thereunder as the general law on this subject. I reiterate at this point it is immaterial, the primary question being the change of condition since December 4, 1961, and there is no evidence before this court at this time which makes this evidence material or relevant either in the first instance or the nature of corroborating evidence, and I submit this is an improper line of questioning and should be excluded at this time.

Mr. Howard: Your Honor, I certainly agree with everything that this lady read to your Honor. I don't think there is any question that is Hornbook law if you establish a pattern. Then, of course, you have a right to bring in subsequent evidence. I will say this to your Honor:

I represent to your Honor in all good faith I will definitely produce evidence before this court that as of now, this lady is an emotionally unstable person.

Now, the whole issue in this case is what she
page 53] has just read to your Honor and, generally speaking, when you go in for modification you don't

go in for modification on the basis of what you're — we are attempting to do.

Now these I would say are unusual circumstances. It is, as far as I am concerned. This refers more in terms of where there is a moral issue involved but I will submit that even based on that, from what this lady read to your Honor, if we at this time were attempting to say that this lady was morally unfit, I submit we could definitely then bring in episodes of her behavior in that respect during the period of time she was married to Donald Crounse.

Now here, your Honor, has been told all morning the issue, and the only issue in this case is, what is the cause of this child's present condition, what brought it about as of the time the mother herself complained to the father about the condition.

Now, we have said to your Honor we expect to establish that by proof, that that condition was brought on by the condition of the mother herself. The mother, of course, says no, that is not true; it was brought on by this so-called loss of identity, two worlds and two homes, to-wit, having the visitation privileges in the home of his father.

I say to your Honor the primary interest of this court is not the mother and it is not the father; it is this child that should be the Polar star, and I submit we have a page 54] perfect right to develop evidence of this lady's emotional instability during the period of time she was living with Donald Crounse, and I will say further, if we can't connect it up, I will myself ask the Court to strike it.

This is what I expect to prove through this witness, — there was episode after episode by this lady which demonstrates that as of then she was an emotionally unstable person.

We are going to offer evidence that this is still her condition and was her condition as of the time Mr. Crounse went up there and took the child — brought the child back here and I submit we should be permitted to —

Miss Harrison: Your Honor please, in response to Mr. Howard's provocative argument I did not mean to suggest that we were implying a moral question, which I admit, the question is fitness and emotional stability, but nevertheless, the question is the fitness of the mother; in this instance the

emotional fitness. A foundation must be laid for a change of circumstances.

The focal point of time in this case is the entry of the Court's last decree. There is the statute in Virginia — I will quote to the Court the law in this case; that is the paramount time; a change of condition since December 4, 1961, which evidence is she is an unfit person because of emotional instability. The important period of time is the evidence before the Court since that time to the date of this hear-
page 55] ing without a proper foundation in this regard, evidence of what happened prior to December 4, 1961 is immaterial and irrelevant under this.

Mr. Howard explains the Hornbook Law. Now, perhaps he can link it together. I am suggesting to the Court he must lay the proper foundation on the point of emotional instability since December 4, 1961, before this question can be broached from this witness or other witnesses on the time period prior thereto.

I have that authority on that point to submit to the Court. I submit it as a question of law; the statute and cases thereunder; the Hornbook Law; and I submit that is the essential question.

The Judge: The only thing we seem to be concerned with at this time is the order of proof. It appears from the authority you cite that this evidence is admissible and is relevant as corroboration of subsequent conduct, and by the same token, condition and on the representation of counsel that he will tie this evidence up, the objection is overruled subject to the testimony being stricken if it is not tied up.

Miss Harrison: I would like the record to note my exception to the ruling.

★ ★ ★ ★ ★

page 56]

★ ★ ★ ★ ★

By Mr. Howard:

Q. Now, Mr. Crounse, directing your attention to any visit you made in the home of your son and his then wife while they were living in Charlottesville, can you tell the Court about

any unusual behavior of the then Mrs. Crounse which indicated to you as a layman any emotional instability?

A. I remember one particular event.

Q. Mr. Crounse, to the best of your ability, try to be as specific as you can about time.

A. This particular time I am not able to state the exact time except that the child was about a year and a half old. The child was born on the 11th day of December, 1956. I was at Charlottesville and sitting on the davenport in the living room with Mrs. Gorman, then Mrs. Crounse, and the question — we were discussing matters in general when all of a sudden the matter came up of her relationship to her husband.

Q. Now, when you say her husband, are you speaking of your son Donald?

A. Donald. And she started out by saying she had ceased to love him and she was thinking of getting a divorce, and I casting no character on religion, I said to her, "Well, you belong to the Catholic faith, do you not? Do you believe in divorces?"

page 57] She replied that she had come to the conclusion that the teachings of the Catholic church were not correct, and she said, "I don't know whether I am an agnostic or atheist."

Miss Harrison: Despite the Court's ruling on this point, I don't think this relates to emotional instability.

Mr. Howard: I think the Court should, here. I feel that it definitely will have a —

The Judge: Objection overruled.

Miss Harrison: Exception.

The Witness: And she began directing her comments against both my son and myself. She said "I don't like the Southern people because of the fact their attitude toward the Negro."

I remarked to her that I had practiced law for many years. I had no attitude toward Negroes; that I many times represented them in court in criminal cases as defendants without any compensation and that ceased for the time being. She said no more about the matter at that time.

Later on the — an incident —

Amos Cameron Crounse

By Mr. Howard:

Q. Now was this the same day?

A. It was in the daytime.

Q. The same day or another occasion? Was this another occasion?

A. No. I am coming to something else now. This page 58] was what happened in Charlottesville. Now early in 1960 at our home in Arlington County, my son and his then wife came to our home on Key Boulevard. They had made — my son had made some arrangement with the preacher, the minister of the Baptist Church, who lived next door at that time to try and effect a reconciliation between the two of them.

So then when he and his then wife came to our house, she began directing her remarks to me and said she wasn't interested in seeing Dr. White. That was the minister's wife. She wasn't going over there to see them, that this was all a ruse.

And then Donald left the house and she remained there overnight. The next morning I came, as usual, to the house downstairs to get breakfast, and I was in the kitchen getting things ready, and I had a large bottle of juice, fruit juice, which I had taken out of the refrigerator and had taken the cap off it with the view of pouring out some for the then Mrs. Crounse.

She grabbed the top of the bottle and started in to rage in a rage, with loud language.

Q. Well, would you want to say what that language was, if you remember?

A. I can't remember the exact language except it was very loud and very harsh language. I will tell you what happened.

A little bit later she then took the top off this page 59] bottle that I had put down on the table and she walked over to the alcove in the kitchen, where we have the little alcove where we eat, and threw the top down and it flew up in the air with such force — it flew up in the air and almost hit the ceiling and then she began on a tirade telling me it was my fault, that I was trying to separate her son from her and take her son from her, and when she did that, she used awful language, the exact nature — damn you, and

words to that effect — that I was the one that was trying to take her son away from her and then she went on out of the house and went away.

Q. Now, Mr. Crounse, before we go any further, taking you back for just the minute to this occasion when you say she had this conversation with you in Charlottesville, what was her attitude; what was her demeanor?

A. Well, at that time she was rather bitter against her husband. That is the reason she mentioned the fact she was going to seek a divorce. That was the reason I made mention about her church; not any criticism, but asking her under these circumstances did she feel she was justified.

Q. What was her tone of voice and her demeanor the night prior to the bottle throwing episode?

A. Very loud. You could hear her all over the house.

Q. Any other episodes of that type that you can tell the Court?

page 60] A. Not until the one that occurred Christmas day at Remsen Street in Brooklyn, New York. My wife and I went up to spend Christmas with my son and his then wife and dinner time came and we were in the dining room and we had finished eating dinner and my wife and my son went into the living room and his wife, the now Mrs. Gorman and I were still sitting at the table.

She began a loud conversation; told me that she was going to leave Donald right after Christmas was over. She was going to get a divorce. That she never loved him. That he was too old for her and she should never have married him.

I said he is not too much older than you; only three years, and that is not unusual. And she said he was too old for her, and she had decided she was going to get a divorce from him. That conversation, as I say, took place on Christmas day in 1959.

Q. What was her demeanor?

A. Well, she had grabbed a-hold of the table and if I had not held on to it, the dishes and the table, and everything else would have fallen on the floor.

Q. You say she grabbed the table or —

Mr. Ferrari: Your Honor, I object to this. Mr. Howard is

leading the witness.

Mr. Howard: All right. I will withdraw the question.

By Mr. Howard:

page 61] Q. Mr. Crounse, you have testified she grabbed the table. Would you be a little more specific, the manner in which she grabbed it, or what she did, or what you did?

A. What I did.

Q. What she did.

A. What she did. She was sitting down when she started to make these remarks and she got up and grabbed a-hold of the table. When she grabbed a-hold of the table, it was forced over against me and I was in it. I had to grab the table to keep it from falling on the floor and the dishes on the floor with it.

Q. Now was Cameron there on any of these occasions that you have told about?

A. No. He wasn't present on any one of the three. He was in the house in Charlottesville, but not where we were.

Q. Are there any other episodes you can tell us about?

A. Not right now that I can recall.

Q. Now, did you, during the period of time she lived with your son, see her very often with her son Cameron?

A. Well, we visited Charlottesville quite often while they were living there. We went down to football games and things of that character. And we went down at Christmas time at at least two occasions, and on other occasions, and just go to Charlottesville on sort of a visit with them.

page 62] Q. Did you ever witness any outbursts when she was with her son?

A. Yes; that was when he was very small. He must have been not more than about two years old and we had spent — had gone down the day before and had spent the night there and in the morning I heard Cameron — I will refer to him as Cameron — I heard whimpering from Cameron as though he wanted to get up. So I went into the room where he was and picked him up and took him into the kitchen. He acted as if he were hungry. I changed him and took him into the kitchen. And I fixed some milk for him to drink. I

then sat him up in the kitchen — the kitchen is like the judge's desk here.

Then I went through a door into the dining room and his high chair was sitting just in the dining room past the kitchen door. At that time he acted as if he were hungry and wanted some food of some kind so I called Mrs. Crounse and she came out and fixed something for him to eat and put him in the high chair, and then she began feeding him, had some of it in a dish; feeding him and he picked up some of it and threw it on the floor and she didn't slap him on the hand; she slapped him up the side of the face real hard, and so hard I made mention to her that I thought it was wrong to hit the child that hard on the side of the head it might injure his ears.

Q. Did she make any comment at that time?

A. She didn't make any comments. At that she said he is throwing his food on the floor and I am going to make him stop it.

page 63]

Q. Now Mr. Crounse, what opportunity, if any, have you had to observe your now daughter-in-law Sandra with either her own son Bryan or with Cameron?

A. Well, I have seen them quite often together when Cameron has come down to visit his father. I have been there quite often and I have seen them together quite a lot.

Q. Have you seen them together since June or July of this year?

A. Yes.

Q. Several times?

A. Several times he has.

Q. What, if anything, can you say to the Court with reference to the traits which have been exhibited by your daughter-in-law toward both of those children, as a *brother?*.....

A. She has been very kind and affectionate to them, very considerate of all their needs and does practically everything within reason to show them kindness and consideration.

Q. From your observation, would you say she exhibited any partiality between Bryan and Cameron?

A. Not a bit.

Q. Now what, if anything, can you say again, based on

your observation of the relationship between
page 64] Cameron and his father?

A. Now I quite imagine talk of him in the most kindly way. I know his father has taken him many times on hunting trips and fishing trips and taken him to bazaars and different kinds of shows they have around in Fairfax County. As a matter of fact, within the last few days, last Sunday before last, there was a horse show at Shandon in Fairfax County. At that time my wife and myself were at the house with — at the house in Mantua Hills — and Donald took both Cameron and another young boy up there and my wife and his wife and we all went to the horse show and Cameron came back telling all about what he had seen at the horse show and how glad — he seemed to be very happy about it.

Q. During the last three or four months that you have been around him, what would you say is his general behavior and his general demeanor?

A. Well, at times — he has seemed quite nervous and sometimes, you know, it — it is very evident *evident* at times. Also I would like to mention something about his personal appearance. He came to the house on several occasions when he was badly in need of a haircut. His hair would be all down over his ears and over the back of his neck. He had come down there at times — this was when he came down to the house from up in Connecticut with shoes that were not really
fit for him to be wearing in the kind of weather
page 65] we were having and not too long ago when he
was there, he had some clothes that were so small that he could hardly — his little slacks — he could hardly get into them.

Q. Now, of your own knowledge, do you know where he came from on *thos* occasions when he came to your home?

A. He came from New Canaan, Connecticut — somewhere — he came from his mother's home.

Q. He was living with her at that time?

A. That is right.

Q. This one day that you say you were at the horse show with your daughter-in-law and your son and Cameron, did you have an opportunity to observe the attitude of Cameron

toward his father?

A. Beg your pardon. I did not say I went to the *the* horse show. I stayed at the house and they went to the horse show.

Q. Well, on any occasion have you had an opportunity to observe his attitude toward his father?

A. Many times.

Q. Recently?

A. Yes.

Q. What, if anything, can you say about his attitude?

A. He seems to be very fond of his father. He wants to be around him as much as possible. When he is in my presence talking about his dad and very affectionate to him.

page 66] Q. Mr. Crounse, you made some mention of a time we based on your observation you reached a conclusion in your own mind the boy was nervous.

A. Yes. Well, not only on occasions when I noticed it, he had remained at our home and slept there overnight, and I noticed he was extremely nervous; he would be crawling all over the bed. Sometimes I would have to go into the room two or three times to keep —

Q. If at that time, do you know was he living in his mother's home and just visiting down here or living down here with your son?

A. No. He was just visiting down here.

Q. Since he has been down here with your son, what, if anything, do you have to say, from your observation, with regard to any nervousness he has evidenced on the occasions you have been in his company?

A. Well, I think since he's been down here, his nervous condition has improved considerably. I think there is a great change from the time he first came down here in July and up to the present time.

Q. Do you base that statement on what you have yourself seen?

A. My observation of him.

Q. Mr. Crounse, this will be the final question as far as I am concerned. Again, based on your observations

page 67] of the manner in which your daughter-in-law Sandra has taken care of Bryan and Cameron and from what you have seen so far as your own son is con-

cerned, and from what you now have of the two of them, do you feel your daughter-in-law Sandra and your son Donald are qualified to have the custody of Cameron if the Court should see fit to place the child in their home?

A. There is no doubt in my mind.

Mr. Howard: I think that is all, Mr. Crounse.

CROSS EXAMINATION

By Mr. Ferrari:

Q. Mr. Crounse —

A. Yes.

Q. — you told us about three incidents once in 1956 in Charlottesville.

A. Correct. I didn't say '56; I said it was about in the neighborhood of '56 the child —

Q. No. I am talking about the time you discussed religion.

A. That is right.

Q. That was 1956?

A. That was not 1956; that was the year the child was born.

Q. Well, what year was it?

A. I would say that was in the year 1957 or '58.

Q. And you feel then that the child was about one year old?

page 68] A. Yes, I would say about a year and a half, probably.

Q. Then you talked about 1960. This was about a bottle thrown. Now, during this period from '56 on and even prior to that, on to 1960, your then daughter-in-law, Mrs. Gorman now, and your son Donald were having marital difficulties; is that correct?

A. To some extent, yes. I would think so.

Q. Now, your opinion is, it was whose fault —

Mr. Howard: I don't really have any objection to this. Mr. Ferrari jumped up every time I'd say something about an opinion, but, number 2, I think he is going beyond the scope of the direct.

I know if your Honor wants to get me to it, I will be happy to get into the trouble between Donald Crounse and his wife.

I'd love to do that, so if he wants to, providing the Court will really let me go into it.

Mr. Ferrari: Your Honor, I am sure *Brook* would but the purpose here we have a witness here who it —

The Judge: Let's develop the factual structure. Let's don't ask for any opinion.

Mr. Ferrari: *Mr. Ferrari*: All right, sir.

By Mr. Ferrari:

Q. Now, on the occasion of the bottle back in 1960 —

A. 1960.

Q. Where was Cameron at that time?

page 69] A. I don't remember exactly where he was at that time. He and his father — his father and mother had come to the house. He may — I don't think he was at the house.

Q. Wasn't he upstairs in a room?

A. I don't remember that, sir, to be a fact.

Q. You don't know whether he was upstairs in a room or not?

A. I don't remember.

Q. Was Mrs. Gorman at that time seeking to see her child on that occasion?

A. No. She came there with my son for the purpose of going to see Dr. White, the minister of the Baptist church who lived next door. Donald made arrangements according to her statement to go over and talk to him *so* see if they could reconcile their differences.

Q. But she didn't ask to see Cameron. She wasn't there to see her *son/*

A. Not to my knowledge. Not to my recollection.

Q. Now you talked about the child at two years old down in Charlottesville, approximately, and I believe you talked about the mother slapping the child.

A. That is right.

Q. Now did you ever see your son in any way administer physical punishment to Cameron?

A. Not at that time.

page 70] A. *Not at that time.*

Q. When was that, sir?

A. Not at the time. I saw him on one occasion but nothing serious.

Q. When was this, sir?

A. The child then, I would say, was about maybe three or four or five years old.

Q. Three, four or five years old. Couldn't you be a little more specific? That is three years, Mr. Crounse?

A. I couldn't be. Many things have occurred over this period of time. As to specific dates, I wouldn't be able to say.

Q. But you can't pick out anything within that three years, any time period within that?

A. Not a specific occasion. I will say on one occasion I think he chastised him. When that was — although the child was much older than the time his mother slapped him on the side of the *fact*.

Q. You don't remember when they were living in the city of Charlottesville, the father administering physical punishment to the child and Mrs. Gorman being upset because he *padded* him with a brush?

A. I don't recall.

Q. You were not present?

Mr. Howard: He didn't say that, your Honor.

page 71] He said he didn't remember.

The Witness: I don't remember.

By Mr. Ferrari:

Q. You talked about the child wearing clothes that were tattered and what seemed to be unfit, and this was at the time that he would, or did come down from New Canaan; was it that particular day that he came down from New Canaan or had he been here a couple of days?

A. Well, in the course of conversation with him I *S*aw the condition of his clothes and asked him where he got them and he said mother gave them to him.

Q. But you don't know whether he ripped those clothes down here or what?

A. I didn't say they were ripped, sir. I said they were so *tighh* that he could scarcely move in them; the fit was so *tighh* he could scarcely walk in it.

Q. How old was he then?

A. This has been within the last year.

Q. You observed Cameron growing in these years?

A. Oh, yes. He is growing, but he didn't grow that much in the space of two or three months.

Q. You said he was extremely nervous when he was at your house; he would crawl on the bed. Now, this was when he was visiting; is that correct?

A. That is right. He was visiting our home.

page 72] Q. Was he visiting his father — during the period of time he was supposed to be visiting him?

A. He had been down to his father's home for just a few days and we asked if we could have him over the weekend, so we went and got him and brought him down to the house over the weekend.

Q. You know, of course, that Cameron spent summers with his father?

A. This summer, you mean?

Q. This summer and summer last year; is that correct? I mean, he was down here for the summer with his father.

A. Part of it, yes.

Q. And you had chances to observe him during those periods?

A. You mean while he was at our son's?

Q. At your son's and —

A. Not so much as the last time.

Q. When was the last time?

A. After he came down in July of this year.

Q. July of this year. But he was nervous the other times during the summer?

A. Any child, I suppose, is somewhat nervous. There was a marked difference between his nervousness this time and what it was the last time.

page 73]

* * * * *

SANDRA MURPHY CROUNSE,

having been previously duly sworn, was called as a witness by and on behalf of the complainant, was examined and testified as follows:

Sandra Murphy Crounse

DIRECT EXAMINATION

By Mr. Howard:

Q. Mrs. Crounse, state your full name, please.

A. Sandra Murphy Crounse.

Q. And you are the wife of Donald Crounse?

A. Yes, sir.

Q. *Do-all* have any children?

A. Yes, sir.

Q. *Now* many?

A. We have two. We have Cameron, who is 7, and Bryan. We — our own is Byran. He is almost eleven months. I have a stepson Cameron.

page 74] Q. Then there is Cameron. Where do you-all live, Mrs. Crounse?

A. In Mantua Hills, 801 Santayana Drive, Fairfax, Virginia.

Q. Tell the Court a little something about your home. What the construction is. About the interior; how many rooms and so on and so forth.

A. It is a split level and most of it is brick, and we have a living room, dining room, kitchen; a recreation room and four bedrooms, or three bedrooms and a den, and we have a large yard.

It's got lots of trees and a carport.

Q. And does the yard surround the house on more or less all sides, so to speak?

A. Yes, sir. It is about the same on each side, front and back, and it is all clear.

Q. Does Cameron have a room to himself in the house?

A. Yes, sir. He has one upstairs beside our room.

Q. Is that a fairly small room or very good size?

A. It is a nice, adequate room. It has a double window.

Q. How long has Cameron been living with your husband and yourself?

A. I don't — what?

Q. Now, is Cameron now living with your husband and yourself?

page 75] A. Yes, sir; he has been living there since July.

Sandra Murphy Crounse

Q. Maybe I confused you. I should have asked you this first. How long have you known Cameron?

A. I first met him at Eastertime 1961.

Q. And between Eastertime 1961 and, we will say June or July of this year, how frequently did you see him?

A. Usually three or four times during the school year and then during the summer when he would have him all summer.

Q. And how long has he been living in your house continuously at this time?

A. Since June 30th, which makes it about four months.

Q. Now, do you know Mrs. Gorman, who was the former Mrs. Crounse?

A. Yes.

Q. And how long have you known her?

A. Well, I met her before we married. Donald and I flew to New York to pick up Cameron. I met her very briefly at the airport. We said hello. I have seen her other times and I have talked with her over the telephone.

Q. How recently have you talked to her by telephone, if you can tell me?

A. An actual conversation or answer the telephone and saying hello and chatting a minute or —

Q. Let's put it on both bases.

A. Well, she called two Sundays ago, I think, and I answered the telephone and we said hello and chatted, you know, a few sentences, and she talked to my husband.

page 76]

Q. Prior to that, if you can recall.

A. I talked to her the night of June 30th.

Q. What year was that?

A. 1964.

Q. 1964. Did she call the home or did you call her?

A. She called the house.

Q. And do you remember if you answered the telephone?

A. Yes, I did.

Q. What was the occasion of that call?

A. Cameron was missing and she wanted to know did Donald have him.

Q. I see. And then prior to June 30, did you have a conversation with her on the telephone?

Sandra Murphy Crounse

A. Yes. We spoke back in, I think, October of 1963 and there might have been other occasions, I am sure.

Q. Now in October of '63, as far as you were concerned, was Cameron living with Donald and yourself?

A. No, sir. He had been down for the weekend.

Q. And do you know where he was living at that time?

A. At the time she called me?

Q. Yes.

A. With his mother, with Mrs. Gorman?

Q. Mrs. Gorman.

page 77] A. Yes.

Q. Now directing your attention to this telephone conversation you had, I believe in October 1963 —

A. The latter part of 1963. It was after the weekend he had been down.

Q. Did you then talk to Mrs. Gorman by telephone?

A. Yes, sir.

Q. For approximately how long?

A. Ten minutes; five, seven minutes.

Q. Will you tell the Court about the subject of that conversation, particularly with reference to the manner in which Mrs. Gorman talked and her attitude and so on and so forth, on the telephone?

A. Like I said, Cameron had been down for the weekend and she called Monday or Tuesday or Wednesday of the next week, and she wanted to speak to my husband but he wasn't there and she was terribly upset because Cameron had hit his sister, his half sister, Ann, and it had to do with some comic books he had brought back from down here and she was — her main point was the fact she didn't know how to handle the child. He had thrown a fit and she was extremely upset, incoherent at times, but we didn't, I don't think, settle anything. I told her Donald would call her.

Q. Would you be a little more specific about how she talked or the inflection in her voice that — or what it was

page 78] that made you conclude she was nervous or upset?

A. She just kind of screamed into the phone, "I don't know what to do with him and he beat his sister." Dinner — it's our anniversary night and I heard crying and I ran in

there and evidently Cameron had her down and was beating on her and she got him apart and she was using disjointed sentences and sometimes just words. It wasn't very clear at times what she was trying to say.

Q. Did you ever talk to her by telephone on any other occasion when you got the same impression?

A. Yes. There was another time when she called and she was upset and she wanted to talk to Donald and it was roughly the same.

Evidently it had just happened, because she sounded breathless and she wasn't exactly sure what to do and she wanted Don to either talk to Cameron or do something.

Q. What was the tone of her voice on that occasion?

A. She would sometimes yell into the phone and other times she was crying and extremely upset.

Q. Do you recall whether that was prior or subsequent to the conversation you told us took place in October '63?

A. This was after that.

Q. This was after that?

A. Yes, sir.

Q. But exactly when it was you do not recall?

page 79] A. I think it was between Thanksgiving and Christmas. It was after Don had gone up to pick up Cameron for Thanksgiving.

Q. In '63?

A. Yes, sir.

Q. Were you ever in her presence when she ever exhibited any traits of this type?

A. No, sir.

Q. Do you remember speaking about the second conversation why she wanted then to talk to your husband?

A. Well, Cameron had thrown another fit and she couldn't control him and she wanted to talk to Don. Either — maybe talk to him and call him down or get something settled between them.

Q. Why did you feel from that conversation that she couldn't control him or Cameron had thrown another fit? What makes you say that?

A. Because she told me.

Sandra Murphy Crounse

Q. That is what Mrs. Gorman told you in that conversation?

A. Yes.

Q. Now directing your attention to the time that Cameron came to live with your husband and yourself in either June or July of this year, what, if anything, can you say to the Court about his general, overall condition when

page 80] he came to your home at that time?

A. You mean as far as —

Q. Well, his physical appearance or his behavior, demeanor or anything that you observed about him.

A. Well, he was — he is a very nervous child, and although he seemed very glad, you know, to be here — to be down in Fairfax, he was very nervous and his eating habits were sloppy. He was very hard to manage. To explain to do — how to do something or get him to do something. He just seemed to not hear you or just if he did hear you, he would just completely ignore you.

Q. What was his attitude at that time if you attempted to discipline him or correct him?

A. Well, he was — let me see —

Q. Well, just the best you can.

A. When I myself —

Q. How it looked to you; how it *appeard* to you.

A. He was very reluctant to obey me and on several times he didn't, and would taunt me with "I don't have to listen to you," and things of this sort.

Q. What, if anything, can you say about a temper he had at that time?

A. He had quite a temper. He would go into rages if he couldn't get his way and he just seemed to want to do what he pleased. He didn't feel that adults were around

page 81] for any particular purpose and he did throw several temper tantrums that called for him being sent to his room and after a while he would subside.

Q. Could you give — maybe — you don't have to go into too much detail under the circumstances under which he might have thrown one of these temper tantrums and how he acted.

A. Well, there was one in July that he threw. It was a

matter of washing his face to go somewhere and he wanted to go but he didn't want to get cleaned up to go and he would — he kicked at me and the steps and screamed out at me that he was glad I wasn't his mother and I was a mean old stepmother and he didn't have to do anything I told him to do and he didn't have to listen to me, and things of that sort, and it lasted about half an hour before he quieted down.

Q. Now, what, if anything, have you individually done on the occasion *whenis* it you say he was in these temper tantrums or his behavior was not what you thought is should be? What have you done to try to correct the situation?

A. You mean while he threw the fits what did I do?

Q. Or how did you talk to him or what, if anything did you try to do to correct him?

A. Well, I tried several ways. My first thought was to spank him. I realized once the child was already crying and already upset I would try to talk to him; usually I would take him up to his room and he would be, you page 82] know, crying on the bed because I would leave him there, you know, or wait outside until he finished, and then I would go in and try to talk to him, but he could offer no explanation for these.

Q. Do you personally have any love or affection for this child?

A. Of course; yes, very much.

Q. Have you done anything to try to convey this to him?

A. Yes, I think so. We do a lot of things together, you know. I am with him a lot. I read to him and we shop together, sometimes if it is something special, birthday present; those sort of things. I try to fix things that he likes for dinner. I try not to, you know, be on him all the time for his mistakes. He has improved a lot and I just try to show him mostly by just affection and kind words and just talking to him a lot, that he is loved and encourage him.

Q. Now, what would you say is his behavior, well, let's say as of today, in all respects? What you told us about, compared to what it was in June or July.

A. Well, he likes his school very much now. He seems to — he talks about that quite a bit. He is very fond of his teacher and he at first was a little reluctant to get up and get dressed

to go to school, but now he is up in the morning at seven and he dresses and eats breakfast and goes off to school very happy.

He walks down to the school bus. His eating
page 83] habits are much better and he seems not to dawdle as long when you tell him to do something. He is usually very eager now to do it and possibly get it over with and go back and play.

He doesn't resist you as much. He is very affectionate. He always has been. I would say just generally he is improved about in all respects.

He is learning about religion in school now, which I don't think he was very much aware of before.

Q. Why do you say this?

A. There was several occasions when he mentioned God or good night prayer and he thought it was just something to laugh about under the table.

Q. What, if anything, do you say now about his habits where religious training is concerned?

A. Well, he is taking a course in school named Religion. He has learned a prayer which he says at the table every night and he has learned the Ten Commandments and he has learned his catechism and he has gotten now so he will ask questions about God and he will discuss the religion book much more freely than he did before.

I don't know a reverence and awe about it. It's not funny to him any more. I think it is something he truly believes in.

Q. Are there any children in the area that he plays with from time to time?

page 84] A. Yes; several little boys that he goes to see, or they come down to the house and play with him.

Q. Have you had an opportunity to see how he *gest* along with these other children?

A. Yes. Children are funny. If you don't play nice, they usually don't come back, and most of the children that come down play with him and he in turn asks to go to their house and the mothers comment on what nice manners he has and they enjoy having him and I see them — they usually play in the house or in the yard; they usually don't go running off

and they get along fairly well, very well.

Well, they have their spats.

Q. Have you ever had any mothers call you and ask you to bring him home because of his behavior?

A. No.

Q. Now, are you employed, Mrs. Crounse?

A. No, sir.

Q. And as a rule, what time does Cameron get home from school?

A. Twenty minutes to four.

Q. How does he get back and forth to school?

A. He takes the school bus to school at a quarter of eight and we have a car pool in the afternoon.

Q. When you say we, you mean some of the neighbors?

A. Yes. There are three children in Ascension Academy.

page 85] Q. Do you participate in this car pool?

A. Yes. It is once or twice a week that I drive.

Q. You drive in it?

A. Yes.

Q. On the days you don't go after him is there anybody to meet him?

A. Oh, yes. Always.

Q. Are you more or less in charge, chief cook and bottle washer?

A. There is nobody else.

Q. Now, Mrs. Crounse, what, if anything, can you say, based on your observation about how Cameron gets along with his father?

A. Very well. He always runs to meet him at the door, you know, when Donald's car pulls in the driveway. Donald's usually around him quite a bit; more than most fathers, I would say. He *foesn't* leave for work until nine o'clock, 9:30. He's usually home between five or 5:30.

Q. Have you ever seen any demonstration of affection on the part of Cameron toward his father?

A. He's a lap cuddler. He likes to cuddle up in his lap and he kisses him. He plays little games. Don usually tries to play with him or after Cameron has done his home work, he will check it for him and they usually sit together and go

over his home work.

page 86] Q. Does his father, as far as you know, take him any place for bowling or fishing?

A. Yes, sir. They have been on a camping trip and they have been to a football game. They go different places together; movies; out for a drive. They go to church. They go — they have little projects together. Donald built a little shed and he would carry nails and boards and that was usually on Saturday when my husband worked on that.

Q. You said something about Cameron going to greet his father when his father came home. Have you actually seen this yourself?

A. Yes. We usually are in the kitchen. Cameron's in there doing his home work and I am cooking dinner. If he hears the crunch of the tires in the drive, he will just drop everything and run and he usually meets him at the door.

Q. What type greeting, if any, does he give his father?

A. He usually jumps — takes his feet up and wraps them around his waist; beats his hat in.

Q. Would you say this just happens once in a while?

A. No. It is every day he just looks forward to daddy coming home. I guess this is just part of him.

Q. If the Court should see fit to place this child with his father, what would be your attitude about the child continuing to live in the home?

A. I am very much in hopes that is what hap-
page 87] pens. I am very much in favor of it. I love Cammy very much and I am sure he loves me, too. I think he would be happy there.

Q. Have you ever done anything to try to turn him against his own mother?

A. No, no.

Mr. Howard: Your Honor, pardon me just a minute. I think that is all I am going to ask her.

CROSS EXAMINATION

By Mr. Ferrari:

Q. Mrs. Crounse, do you have another child living with you besides Bryan and Cammy?

Sandra Murphy Crounse

A. Yes. We have Andy Frizzell.

Q. How do you spell —

A. F-r-i-z-z-e-l-l.

Q. And how old is he?

A. He just turned 11.

Q. And how long has he been with you?

A. Since the first of September.

Q. Now, can you tell us under what circumstances he came to live with you?

Mr. Howard: Your Honor, I haven't objected up to this point. I really don't know what Mr. Ferrari has in mind. There is a child that lives there. Of course, this is beyond the scope of direct, plus, as I thought we had more or less agreed, the only issue was the emotional problem of the child. The emotional problem of the wife I don't know, really, myself the circumstances under which the child came into this home.

page 88]

Now, if the purpose of these questions is to reflect any immoral character of either Mrs. Crounse or Donald Crounse, if the Court wants to hear it, I am all for it, providing the door is going to be open to mention Mrs. Gorman's moral character. What difference does it make, I submit to your Honor, unless he is trying to show this child being in the home would to some extent have an effect on the boy Cameron if your Honor sees fit to place him in the home?

So I'd like to ask your Honor, before he be required to state his reason for this question, I don't think it is relevant to this issue.

The Judge: Well, the testimony is that Andy Frizzell has lived in the Crounse home since September 1st, 1964. It is material or does it have any bearing upon the issue in this case under what circumstances he came to live there?

Mr. Ferrari: In this regard, Mr. Brooke Howard here is talking about the family situation. The environment of the child at the present time; and I think the entire picture should be given as to the atmosphere of the household; who is there; how many; their ages. We have heard about the young child of 11 months. There is another child —

Sandra Murphy Crounse

The Judge: There doesn't seem to be any objection to that line of examination. It doesn't appear there is any materiality in the circumstances under which he came to live there.

page 89]

Mr. Ferrari: Oh, I see. I think what you are referring to is with respect to circumstances of why he is living there.

Mr. Howard: Under which he came to live there.

Mr. Ferrari: I think the Court should wonder who he is.

Mr. Howard: Why?

Mr. Ferrari: Well, the number of children in a household he is interested in.

The Judge: We have already placed him there since 1960.

Mr. Ferrari: This isn't a moral question, if that is what Mr. Howard is — why another child which is not the Crounses' child is living in the household. We are getting a picture from Mr. Howard's evidence of a household and all its environment. Well, to me, without getting into any moral question, and I don't intent to, I think the Court would want to know where an eleven-year-old boy is there. Why is it necessary for him to live at the Crounse house?

I think your Honor would be interested in knowing that. This has nothing to do with the morals of the question. I haven't brought that up, and I don't intent to. I am not interested in the morals, but he has talked about nothing but the environment of the house.

page 90]

Mr. Howard: Let me say this, and I will keep quiet. I am very sure he couldn't be asking this question for any reason that it will have so influenced the child. I don't know why he is there. If he has any evidence of some type on this boy Cameron and he will represent to the Court — he will establish that, I will withdraw my objection, but why he is living there and how he happened to come there, unless he can prove something like that, I submit it isn't proper. I have tried to give the Court the benefit of the type home which this child lives, but I have not gone into the question about this boy because I don't think it is any part about this particular issue.

Mr. Ferrari: Your Honor, I think this is very pertinent. I understand there is no issue as far as either of these parties

are concerned concerning the morals or final ability of either party.

Now does the fact that another child is living there have something to do with the adequacy of the home?

Mr. Ferrari: If I may, sir, quote an opinion, and then your Honor will know what I am bringing out. The purpose for which I am bringing it out, and this is from the Court of Appeals —

page 91] Mr. Howard: You are just saying something to the Court.

Mr. Ferrari: The Court is interested in my purpose. I will tell the Court my purpose.

The Court: Go ahead.

Mr. Ferrari: this is from *Campbell* vs. *Campbell,* 203 Virginia 61.

The evidence shows that both parties are morally fit to rear the children. The one indiscreet act on the part of the appellant while in the company of her sister-in-law whom the appellee stated would keep house for him, does not render her an improper person to have custody of her children. This would also appear to be the thinking of the Chancellor for if he had concluded that the appellant was morally delinquent he would not have given her their custody during the summer months each year.

The evidence does not show how many, or the ages of the appellee's sister's children who would be living in the appellee's home; but regardless of the number, where children of different parents live in the same home jealousies and other problems often develop. Such situations should be avoided when possible in the best interest of the children. The appellant can provide a proper home with her parents where the children will be reared under Christian influences and in a peaceful atmosphere.

page 92] The children, being of tender years, need the attention and care which are a mother's love and devotion. Even though the appellant has been found from the evidence to be the one responsible for severing the marital ties, and thus breaking up the home, the controversy between her and the appellee does not prevent her from being a proper custodian of the children since the con-

trolling factor in determining custody is the welfare of the children.

By Mr. Ferrari:

Q. How long do you intent to have Andy living with you?

A. Probably until January, when the first semester ends.

Q. Oh, I see. This is a temporary arrangement?

A. Yes, sir.

Q. Maybe you stated this, but I don't know if I heard it, Mrs. Crounse. How old are you?

A. 22.

Q. How long have you been married now?

A. Two years.

Q. Now I would like to direct you back to the telephone conversation you had with Mrs. Gorman in *Octiber,* I believe.

A. Yes, sir.

Q. In '63 you mention that she was quite excited on the telephone.

A. Yes, she was.

Q. That Cammy had been hitting his little sister Annie?

A. Yes.

page 93] Q. Now, did she mention anything to you about the fact that she was upset about the comic books that he had brought back with him?

A. Yes. She was very upset about the comic books and she also was upset because she had planned a party for the anniversary dinner and Ed was coming *hom* and things weren't going to be on time and she couldn't do anything —

Q. Did she mention anything about being upset, that she understood that Cammy had been told down here in Virginia that Annie was not his real sister/ Did she mention that fact to you?

A. I think I have heard that.

Q. Did you hear it in that conversation over the telephone?

A. Was it that particular conversation?

Q. Yes.

A. I don't remember. I am not sure.

Q. But you do recollect that she had complained about that?

A. And she also complained over the fact that he didn't

cal Ed father any more like she wanted him to.

Q. You don't remember whether these complaints were prior to October or after?

A. I think they were all about the general time.

Q. Now, Cammy came to Virginia June 30th?

page 94] A. 30th.

Q. Of this year?

A. Yes, sir, he did.

Q. You were advised that his father had gone to Long Island, East Hampton, to pick him up?

A. To pick him up, yes.

Q. Now how long did you stay in Virginia from that time on?

A. We stayed in Virginia two weeks.

Q. Then where did you go?

A. We went to Virginia Beach for a week.

Q. Virginia Beach?

A. That is the Norfolk area.

Q. For how long?

A. A week.

Q. And then what?

A. Then we came back to our home in Fairfax.

Q. Now, did you go to Florida?

A. Yes. We left July 31st. We were in Fairfax two weeks; a week in Virginia Beach and in Fairfax a week and then to Florida.

Q. Florida for a month?

A. Florida for a month.

Q. Was your husband on vacation in July?

A. I think, but then a matter came up so we

page 95] decided to go on without him.

Q. During July?

A. He was on vacation in July. He had been planning to be on vacation in July.

Q. So he was present with you in Virginia Beach?

A. Yes; oh, yes.

Q. Then when you went to Florida did he come with you?

A. No. We left — just myself with Cammy and Bryan.

Q. Where did you go in Florida?

A. We went to Largo.

Sandra Murphy Crounse

Q. Where did you stay there?

A. Alta Vista Apartments.

Q. Were you visiting or just vacationing by yourself, or what?

A. Well, we knew Mrs. Frizzell and her son and it was vacationing and visit, all in one. We did some sightseeing.

Q. Did you at any time talk to Mrs. Gorman during that period from Florida over the telephone?

A. Did I talk to her?

Q. Yes.

A. No, I didn't talk to her. Cameron talked to her on several occasions.

Q. Cameron talked to her?

A. Yes.

page 96] Q. You say you lived at an apartment, some apartment down in Florida. Did you spend any time in a trailer down there?

A. One night. I think that was the end of our vacation.

Q. Did Cameron's father have an opportunity to come down and spend any time with him that month?

A. Yes. He came down on the 15th of August. It was on a Sunday.

Q. Do you know if Mrs. Gorman had made inquiries concerning the whereabouts of Cammy?

A. I think my husband mentioned the fact that she had asked about him; wanted to know where he was.

Q. Did Cammy tell her when he spoke with her. Were you with him when he spoke with her. Were you with him when he spoke to her over the phone?

A. Not all the time. I think I was with him twice.

Q. Did you know if on these occasions he told his mother where he was?

A. I don't know. I don't think Cammy knew where he was. He knew we were in Florida.

Q. Did he not in your presence give an address to his mother over the telephone?

A. No. He called her once. I think it was on her birthday. No, I think he called her once before that. I think I left when he first called her to take care of my own son.

Sandra Murphy Crounse

page 97] Q. Now, you spoke about Mrs. Gorman on the telephone on other *occasins* that you have discussed matters with her briefly and so on and so forth, and you spoke about the excitability, particularly, in a phone call in 1963.

A. Yes, sir.

Q. You have had occasion to be in Mrs. Gorman's presence, have you not?

A. Yes, I have.

Q. Could you tell us something about her attitude and behavior at that time? Did she ever exhibit behavior that was similar to the time you just described on the telephone with respect to her voice in your presence?

A. I have really only seen her when we pick up Cameron. We picked him up in Baltimore and other places.

Q. How did she act on those occasions?

A. "Hello."

Q. Did she seem annoyed in any way to bring Cammy?

A. I don't think so. I usually stayed in the car when Donald went to get his son.

Q. In your presence you didn't observe any unusual behavior?

A. I really wasn't around her long enough to know what her normal behavior was.

Q. As a matter of fact, you don't know what her normal behavior is?

page 98] A. Except from the telephone conversation.

Q. Except for the telephone conversation, you have never had an opportunity to observe Mrs. Gorman?

A. No. She could act like that all the time.

Q. But I say you don't know. You have never seen her act in any unusual way because you haven't seen her that much?

A. That is true.

Q. I say again, you don't know what her behavior is?

A. She could act like that all the time.

Q. But you don't know.

Mr. Howard: She never said that. I object to the question.

The Judge: I think he is through.

Mr. Farrari: I have no other questions.

REDIRECT EXAMINATION

By Mr. Howard:

Q. Mrs. Crounse, when Mr. Ferrari was asking you about the number of times you have seen Mrs. Gorman, as I understand it, the only times you ever saw her was when you went with your husband to pick up Cameron?

A. That is right.

Q. You didn't even get out of the car?

A. No.

Q. You had no opportunity to observe her behavior at that time?

A. No, I haven't.

page 99] Q. So what it is or what it ain't, as the old fellow said, you don't know what it is except for the two conversations you had with her?

A. That is right.

★ ★ ★ ★ ★

LUCY WONG,

having been previously duly sworn, was called as a witness by and on behalf of the complainant, was examined and testified as follows:

DIRECT EXAMINATION

By Mr. Howard:

Q. Mrs. Wong, will you state your full name, please?

A. Lucy Wong.

Q. And you are married, of course?

A. Yes.

Q. You have children of your own?

A. I have two boys.

Q. And their ages are what?

A. 7 and 12.

Q. Where do you live, Mrs. Wong?

A. Now?

Lucy Wong

Q. Yes.

A. In Alexandria.

page 100] Q. What street address?

A. 1536 Ivanhoe Street.

Q. What is your profession at this time?

A. Teacher.

Q. Where do you teach?

A. Ascension Academy.

Q. How long have you been a school teacher?

A. Off and on, eight years.

Q. How long have you been teaching at Ascension Academy?

A. This is my third year.

Q. Did you teach — where did you teach before you taught in Ascension Academy?

A. For a period I did not, after I was married.

Q. I see.

A. Before that I taught in Shanghai, China, and then before that, at St. Johns University in my Senior year.

Q. You graduated from what school?

A. Columbia.

Q. What grades are you teaching at Ascension Academy at this time?

A. Second.

Q. Now, Mrs. Wong, I am no stranger to you, am I?

A. No.

Q. These people are not strangers to you, are they?

A. Except one.

page 101] Q. Mr. Crounse — you have met him?

A. No stranger.

Q. What we are interested in, Mrs. Wong — and I am subject to objection on the part of the Court or counsel — tell us: You know Cameron, don't you?

A. I have known him for two months, since the beginning of school in September.

Q. He now attends Ascension Academy; is that correct?

A. Right.

Q. And under what circumstances did you come in contact with him, say two months ago?

A. He was in my class.

Q. Now, I believe from what you say you have been more

or less dealing with children for the past five or six years. You know something about their traits and behavior problems, so forth and so on?

A. I believe so.

Q. I assume you have some of that with your own children at times?

A. Yes, sir.

Q. Will you just in your own words describe to the Court what impression Cameron made on you when he first came into your room as a student? What his progress has been since *the* and how his condition today compares to what it was when you first met him?

page 102] A. I have about 21 in September when the school started, and Cameron was in my room, and many of them are former students from the first *grace*. There are about five or six new ones this year. I noticed that Cameron is more active or restless. He likes to move around a lot in the classroom and he tends to disturb the students — the boys around him — during class and also outside.

And so, more or less I solved the problem trying to put Cameron in a special class right in front of me and in the first row inside the room so he wouldn't be too much of a disturbance for me during class.

He is better now, for what reason I don't particular know. Maybe it is because he is more — obey the rules and regulations of the classroom a little more now or whether he see everyone else in the classroom behaves the way they do, but he seems to calm down quite a bit in that area.

Q. Do you —

A As far as his work is concerned, he is *cathinn* up the past — I think he can do better but he is not doing any worse.

Q. Well now, does he ever evidence any interest in school work, would you say?

A. Yes. He is; in the beginning I know he struggled along sometimes during class periods. He dreams — day-dreams. He sits there; instead of doing his work, he plays

page 103] with his pencil, piles up his books, but now he more or less, when I tell him to start their work they usually go right ahead, including Cameron.

Q. Do you have any question and answer period in the

Lucy Wong

classroom?

A. Yes; oh, yes.

Q. What interest, if any, does he show in those periods?

A. All the boys I have in class, they all volunteer if they know the answer and I encourage them to do so. Cameron like the others, he volunteers quite a bit.

Q. He does what?

A. Volunteers answers.

Q. Do they have homework?

A. Oh, yes, they have plenty of homework.

Q. *an* you tell the Court whether or not Cameron does his homework?

A. In the very beginning maybe on account the school is new to him, I am *knew* to him, the boys are new to him, he missed out on a few, not many, but he hasn't been delinquent in the homework area at all because I have a daily sheet checking the homework.

If they do miss it I either send cards *hom* or else I call the parents.

Q. Well, on the overall basis, what, if anything, can you say about improvement, if any, he's made since
page 104] he's been in the school. Has he gone back, has he gone forward, has he progressed any? What would be your comments on that subject?

A. His progress is definite. I mean, moving forward, but I won't say fast. But he's improving and I told the headmaster so myself, both in his work and in his behavior. I mean, this is only two months since the beginning of school. There is a definite sign of improvement.

Q. This would be on a scholastic level as well as on behavior level?

A. Yes.

Q. Is that correct?

A. Yes.

Q. When do you give out the grades down there, first grades of the year? When do they come out?

A. The end of the first quarter. The school year divided in quarters. The first quarter ends this Friday, and they should be getting their report cards next week for the *firs* quarter.

Lucy Wong

Q. When you say quarter, this is when the report card comes?

A. They get it four times a year.

Q. How many semesters do you have?

A. Two semesters.

Q. Two quarters, or one semester. The first

page 105] semester ends when?

A. In January.

Q. Do you have any records with you that will enable you to tell the Court something about the grades he will be making in school?

A. Yes, I have it with me.

Q. Will you say just what subjects and just what his grade level is in each of those subjects?

A. Yes, I shall — see, with the second — we put a lot of stress on the reading, English, spelling and arithmetic, and also religion and the others are minor subjects.

I do not teach them. Other teachers take over when I go to other classes for Chinese. Reading; he will get a "B" for reading the first quarter; English, "C-plus;" Religion he gets a "B," and Spelling he gets an "A," and Arithmetic, a "C-plus."

Q. Will you interpret those Good, Bad or what?

A "A" is in the 90's; "B" is in the 80's "C-plus" is a high, high C; that is three points in the upper 70's, 77, 78, 79, and the C is the three points in the middle; that is 74, 75, 76, and then below 74 is a C-minus.

Q. Well, below 74, a C-minus; is that considered a failure, so to speak?

A. No. C-plus, upper 70s, and C, plain C, in the middle 70s, and C-minus, low 70s; D is in the 60s, and below that is failure, below 60.

page 106] Q. He has no Ds?

A. No.

Q. He has at least one A, you say, and the other is a B?

A. B and C-plus.

Q. Do you have any record of any type with reference to his deportment or behavior in the classroom or school?

A. The first quarter he probably will receive a C-plus from me. That is a high average.

Lucy Wong

Q. Now if a boy reaches a point in your classroom where you can't control him, what do you then do with him?

A. I send him to the office.

Q. Have you ever had to do that in so far as Cameron was concerned?

A. Once.

Q. When was that?

A. Not very recent. I say first month of school, I believe.

Q. First month of school?

A. Yes; first month of school.

Q. You have not had to do that since then?

A. No, I have not.

Q. Now I did hand you — I don't know whether I took it back — some description. Do you still have that?

A. Yes, I have that.

page 107] Q. May I ask you to hand that to me for just a minute, please?

Mr. Howard: We are having a slight dispute here.

Mr. Ferrari: Well, let's approach the bench.

(Bench conference.)

By Mr. Howard:

Q. Let me ask you this, Mrs. Wong:

Based on your experience as a teacher, and what you now know about Cameron Crounse for the two-month period, he's been a student in your class, would you say whether or not in your opinion he is qualified to go into the third grade?

A. Now?

Q. Yes.

A. No.

Q. He is in the second grade; is that correct?

A. Yes. By that I mean in the third grade in Ascension — I don't think he can make it.

Q. Based on your experience in the school that you are in as far you are concerned, the second grade is his proper level?

A. Yes.

Q. You don't know anything about what they were trying to do with him up there in New Canaan?

A. I don't know.

Mr. Howard: All right. That is all I want to ask her.

page 108] CROSS EXAMINATION

By Miss Harrison:

Q. Mrs. Wong, if you explained in the beginning, I misunderstood. What date did the school year at Ascension open this year?

A. We opened right after Labor Day.

Q. First part of September?

A. Yes. The day after Labor Day, to be exact.

Q. Mrs. Wong, had you been advised by Mr. and Mrs. Crounse or do you know of your own knowledge whether Cameron is repeating this grade?

A. I do not know in the beginning. When I had him in my class I didn't know that he was repeating.

Q. Now, I believe you were describing the conduct of Cammy at the beginning of his stay in your classroom, and I believe you referred to outbursts. Do these still occur?

A. They have not occurred since the time I sent him to the office. That time I send him to the office, to the headmaster's was really the only outburst. I couldn't control him. It was not really for anything he did bad or anything. It was an outburst. It was an emotional outburst. He started crying and screaming and I don't know how — I didn't know him well enough then, so I just send him to the office.

Q. You know him better now, of course?

A. Yes, I do.

page 109] Q. Have you been able to observe when you feel this will occur in him presently?

A. Yes. Usually if he has some kind of an emotional — or outburst is ready to come out, I usually can tell now.

Q. How do you do that?

A. It is awful hard to describe just how, but he is right in front of me and I think by the voice he usually come out with something and then his voice started to quiver and I think it is by that. I really can't put my finger on it, but he is right in front of me, and I see him all the time. I usually — I don't know whether I sense it or tell it by his voice; I usually know.

Lucy Wong

Q. But you — excuse me. I am sorry.

A. I can't put it any clearer than that.

Q. You do observe visible signs. Do you act upon those visible signs?

What do you do?

A. If I know he is a little upset with something. I usually calm him down and try to get him to tell me later on or else I send him out to the — out of the room to wash himself. Just go out; I mean I think that is how I would put it; just go out of the room. Take a little walk down to the rest room. Then he usually come back composed.

Q. And of course this observation of yours is
page 110] your personal dealing with the child. I assume
this has prevented a number of outbursts that
might have occurred before you became familiar with the child.

In other words, you have prevented by your own now familiarity with dealing — personal conduct and dealing with Cammy, — you have been able to prevent —

A. Yes. I would say so. I would say so.

Q. But you still observe signs in him which are usually, say, potential outburst which you are able to deal with and prevent from developing full bloom?

A. I would say yes, but it happens so seldom, but if it is coming, I usually can tell.

Q. Now as a student in your classroom, does he day-dream?

A. I wouldn't say that he day-dreams, but he every now and then, he wanders.

Q. Wanders?

Mr. Howard: Just a minute.

The Witness: His mind goes off somewhere. I know the boys in my class, they dream. They are off, but Cameron seems to know what is going on in the class and yet he is not there for awhile. Usually if I believe he just twisting and turning and being restless, if I try to catch him — not really catch
him — ask him a question, he usually can answer
page 111] me. So if he is off I don't believe he would be able
to hear me. He hears me and yet he is not paying
attention.

Lucy Wong

By Miss Harrison:

Q. Yes. Well, I believe you described to me what you refer to as an inability to concentrate.

A. Yes; especially in reading. Any length reading. Material, if it is a little more, needs a little concentration, he started off all right and he usually — the second half of the reading material he usually — he does not do so well. I mean, it happens more than once he started off. The concentration is good and then he tapers off and he didn't — he cannot seem to reach the point to be able to answer the questions in the reading material clearly.

Q. Now, did you just give some tests the day before yesterday?

A. Yes, I did.

Q. Was one of these a reading test or a comprehension test?

A. A reading comprehension. I mean, they have to interpret.

Q. Now, with reference to this particular one, how well did he do?

A. I think, if I remember clearly, he got a C-plus for that test, that reading comprehension.

Q. Yes, Ma'am. In my conversation with you page 112] yesterday, did you not express to me an anxiety within the last two days on the part of the child which had exhibited itself on one or more of the tests he had just taken in the last two days?

A. Yes. I did mention that during the last two days he was specially restless. He moves and turns quite a bit and then I believe I didn't know whether that is because right after the Hallowe'n weekend, you know, they just couldn't settle down after three days ringing doorbells or things, but I do notice he is specially restless.

Q. Did this not exhibit itself in one or more of the tests and if so, which ones?

A. I believe I gave just that one reading comprehension

Q. Did Cameron not have to take it over?

A. Yes. See — not only Cameron — you see, most of my children, when I correct these tests, I did not want to give them the correct answer and I know children of that age —

carelessness is a very common trait and they want to get through quickly and so usually when I mark it wrong, I give it to the children and see just what they can do on the second try. If they still exhibit not knowing the correct answer, then I will go in to it with the child individually. On the second try Cameron gave all the correct answers.

Q. Now, Mrs. Wong, how many students did you say you had at present?

A. 20.

page 113] Q. With reference to the way — oh, first of all, how do you have the students seated in your classroom? By that I mean alphabetically? Do you have a pattern for that?

A. No. At Ascension we just seat them any way we like. I mean, the teachers are the authority.

Q. Where is Cameron with reference to the other students in the classroom at the present time?

A. Cameron is in front of my desk, the row inside the room. Outside I mean, by the door inside —

Q. Is his desk against your desk?

A. Right against my desk.

Q. How long has it been that way?

A. If the quarter is about eight weeks, I guess he has been there for seven weeks, because I change them after the first week.

Q. Now, could you explain to me, Mrs. Wong, why he is there?

A. He moves about quite a bit. He can't sit still, and he like to twist and he like to turn and each period I only have so many minutes, and I don't feel I should waste all my time telling the children you know, to pay attention. I think I can be more effective with Cameron if he has his desk against mine. At least, he won't be able to push forward.

Q. Do you feel a need to keep him there at the present time?

page 114] A. Yes. I think I would like him to stay by me for a while longer.

Q. What do you mean by "a while longer?"

A. It depends on — you see, I have changed around the desk; I mean, the seats of the children, every time I think

there is a need to be near or be far and I believe most of them has been changed.

Now and then sometimes they have hearing trouble. Then I have to move them. Then if they have trouble seeing the blackboard, I have to move them according to that way, and behavior problems. I have two, actually, in front of my desk. You see, my desk is a little larger than this and two of them are against my desk. The other boy *have* the same problem.

Q. Did you just say you have two behavior problems?

A. No; boys having problems like restlessness. They can't pay attention to me in class. I would like to have them in front of me so I don't have to call their attention every two seconds.

Miss Harrison: No further questions.

REDIRECT EXAMINATION

By Mr. Howard:

Q. With reference to putting Cameron up there in front of you, I assume, is this correct, if you have a child in your class, that you feel needs help, do you attempt to

page 115] give him help?

A. Oh, yes. See, if they can't hear me during class — at Ascension we are responsible, the teacher has responsibility to teach them the material. If he doesn't hear me, I have to do it after school or else take him out during recess to re-teach him.

Q. So you made this move because you thought it would be the most effective move to help Cameron and also in reference to the whole class and would you say it proved to be the right and proper move?

A. Yes. I think it is effective as far as I am concerned. I can progress with them in the class without too much disturbance.

Q. Let me just ask you this: Are there other boys in your class who at times exhibit traits that make you believe they are going to get a little bit restless or upset or something like that?

A. Remember, these are seven-year-olds. More or less they are restless, and there are two more boys; they are very rest-

less. They are always dropping things, pushing things down; pick them up.

Q. I believe if you saw Cameron exhibit to you any sign of unrest, you would of course do *soething* to correct it?

A. Yes.

Q. What would be the result if you had not moved him? Of course you do not know?

page 116] A. If I don't do it I guess I would be telling the children to pay attention, sit up, keep their books on the desk, don't push it off.

Q. When you did that, he cooperated with you?

A. Oh, yes.

Q. This, your Honor, is the last question.

From your experience with him in school, would you say he is an extremely difficult child, emotionally, socially and academically?

A. Extremely difficult?

Q. Yes.

A. No.

Miss Harrison: Your Honor please, I'd like to have that qualified in period of time.

Mr. Howard: June the 5th, 1964. It is a letter written by his former teacher.

Miss Harrison: Do you mean at the present time?

Mr. Howard: Yes, as of now. As of now, would you say he's an extremely difficult child emotionally, socially?

The Witness: No.

By Mr. Howard:

Q. Oh, there is one thing, and I am through. Miss Harrison asked you about some tests that he took in

page 117] the last three or four days, and about the anxiety that he displayed in that test.

Now, I ask you, as a teacher, assuming that a matter of a few days ago this boy had been told by his mother about this courtroom proceeding and also been subjected to searching inquiry about another boy who lived in the home where he lives, in your opinion could that have any effect on the child who is going to take an examination or test that you have given?

Lucy Wong

Mr. Harrison: Your Honor, I object to that question. I do not, with all respect to Mrs. Wong, feel she is competent to answer.

Mr. Howard: The different factors that could cause a child to exhibit this anxiety symptom that, whatever it might have been —

The Witness: If I gave that impression maybe it is my fault. I mean, he is restless. The beginning of the week I did say I didn't know why it was, on account of the Hallowe'en weekend, because they did have three days, I mean and as far as Cameron's reading comprehension, that test shows he couldn't concentrate fully but then in the beginning of the year we had a summer reading test. He did very poorly. I think his reading comprehension is a little below par.

By Mr. Howard:

Q. But it has improved over what it was when page 118] he first exam there?

A. It all depends on whether he concentrates or not. If he concentrates, he can do better than if he cannot.

Q. Has it improved since he's come there?

A. As far as comprehension — reading comprehension, is about the same.

Q. What I am asking you specifically about: Miss Harrison said you gave him a test in the last two or three days.

A. Yes, beginning of this weekend, a reading comprehension test.

Q. Did I understand you to say to her he manifested certain agitation tendencies at that time?

A. I don't believe I said that. I just said he shows he's more restless than before — than the week before.

Q. I see.

A. That is why I want to stress the point whether the Hallowe'en weekend has something to do with it; I don't know.

Q. You feel certain factors could have influenced that?

A. Yes.

Q. I believe you said you did give the test over to Cameron and the other boys in the class?

Fred Brown

A. Yes. Quite a few did poorly and I thought they could read better and understand better and so I gave it back to them. Most of them except two; they are poor
page 119] readers and they all corrected their own mistakes the second time.

Q. Did that include Cameron?

A. Yes.

RECROSS EXAMINATION

By Miss Harrison:

Q. Mrs. Wong, I think I understood you to say that at the beginning of the year he was restless and difficult to deal with both with the other children and in the classroom.

A. Yes, in the beginning. See, he tended to disturb the boys and some of the boys of course don't like that too much there in class and then after I seat him according to what I thought best and spaced him accordingly, I had no more trouble.

Q. Then you controlled the classroom?

A. Right.

★ ★ ★ ★ ★

page 121] PROCEEDINGS

Mr. Howard: We do expect to call on behalf of Mr. Crounse a Dr. Morgan, and Dr. Morgan has submitted a written report which is dated September—I mean August 7, 1964, which he will identify when he goes on the stand, which we will undoubtedly offer in evidence, Mr. Ferrari is going to call these two psychiatrists out of order.

We will stipulate that this report is in the record subject to the Court's approval, so if he wants to examine these doctors on this report he may.

All right?

The Judge: All right.

Thereupon,

FRED BROWN,

having been previously duly sworn, was called as a witness by and on behalf of the defendant, was examined and testified as follows:

Fred Brown

DIRECT EXAMINATION

By Mr. Ferrari:

Q. Doctor, will you please state your full name and address?

A. Fred Brown, 1200 Fifth Avenue, New York City.

Q. And what is your profession, Doctor?

A. I am a clinical psychologist.

Q. And how long have you been a clinical—

Mr. Howard: Mr. Ferrari, I am—I do not
page 122] know the gentleman, but I am perfectly willing to stipulate his qualifications. I simply say for the record I will stipulate he is qualified.

Mr. Ferrari: I will have the doctor be very brief. There are certain areas I'd like him to testify to.

By Mr. Ferrari:

Q. How long have you been in this field, Doctor?

A. Since I took my PhD. in 1933.

Q. Where was that?

A. Ohio State University.

Q. And is there any particular branch of clinical psychology that you have been working with, any specialty?

A. Yes. I am primarily a diagnostician.

Q. And in any particular area with any particular people or groups that you work with?

A. I carry the entire range from children through adolescence to adult.

Q. What is your present position?

A. I am Chief Psychologist for the Mt.—for the Institute of Science at Mt. Sinai Hospital in New York City.

Q. Now, will you tell us, if you will, briefly, Doctor, what experience and where you have you had this experience with respect to your work with children and matters related thereto?

A. Well, I was — after I took my PhD. I worked in the Bureau of Juvenile Research, Columbus, Ohio.
page 123] I worked for two years with a social agency interested in preventing delinquency.

Fred Brown

I was then assistant professor, Director of Psycho-Educational Clinic at Penn State University—Penn State College.

I was Chief Psychologist for the Minneapolis Public Schools for approximately seven years until I entered the Armed Services and was also a lecturer in child guidance at the University of Minnesota during part of that period.

Was in the Army 34 months. Part of that time as psychologist for the 138th General Hospital in France.

Came back and went from lecturer to a joint professor at New York University, the Washington Square College, teaching disposition in December 1946.

Became Chief Psychologist for Mt. Sinai and have been there since that time.

I have been consultant to the VA, diagnostic consultant for seven years until I retired from that because of personal reasons.

I have served as consultant to research programs dealing with diagnostics and to just give you a very brief summation, I was president of the New York Society for the Projective Techniques and Personality Assessment for three years, and I have published in their field.

Q. Now, Doctor, you know the defendant, Mrs. page 124] Gorman here?

A. Yes, I do.

Q. Will you tell the Court under what circumstances you came to know her?

A. Mrs. Gorman was referred to me for psychological examination by Dr. Faith Ogden, who called me and asked me if I would be willing to make a comprehensive diagnosis.

Q. Doctor Ogden?

A. Is a psychiatrist for whom I have seen in the past—seen some patients. She gave me the general picture of the situation and asked if I would be interested in making the evaluation and I said I would, and the appointment was then made for Mrs. Gorman, who appeared at my office at the specified time for the examination.

Q. When was that, Doctor?

A. That was on October 13, 1964.

Q. Now, will you describe, Doctor, what methods and what requirements are necessary in order to perform an evalua-

tion along the lines that you did with Mrs. Gorman?

A. When you say requirement, what do you mean?

Q. Requirement in the way of testing, and so forth.

A. I see.

The individual who administers these tests obviously are to be certified psychologists.

Preferably he should have his Boards in clin-
page 125] ical psychology and considerable experience with them, so what he utilizes will be relevant to the problem presented to him by the referring psychiatrist.

This means that the test should focus on the patient's personality, adaptive capabilities, intelligence, contact with reality or all those dimensions that have a bearing upon the individual's ability to maintain relevant and appropriate behavior in a variety of situations—social, interpersonal, and so forth.

Q. Are certain tests performed, Doctor?

A. The tests play a prominent part in the evaluation of this type since it is generally assumed that the psychiatrist who refers the patient for psycho-diagnostic evaluation and about 98 per cent of such referrals are made by psychiatrists and physicians, and sometimes by psychologists to other psychologists who are primarily diagnosticians.

It is assumed therefore that there has already been an interview. So the interview plays a very small role, because the referral is oriented toward obtaining information that is not readily obtainable through the interview.

The tests, therefore, have a depth technique, something much more comprehensive, broader and deeper, but there is, of course, some interviewing involved within the test confines since these comprehensive tests are as a form of interview when the *patients* may be asked to respond to
page 126] part of a sentence in terms of her own thoughts and feelings rather than impulsively. There is a certain amount of observation but the emphasis is based on documental test data, which are then interpreted within a certain professional by recognized framework.

Q. All right. Doctor, will you describe to the Court just exactly what you did with Mrs. Gorman when she came to your office? What tests you performed, and your findings?

Fred Brown

A. Well, with Mrs. Gorman—

Q. You may refer to your file and your notes. I believe that is all right with you, Mr. Howard.

A. Let me, give, then a brief picture of the general procedure. When Mrs. Gorman came in she was ushered into my office by my secretary.

I had her sit down and it was already tacitly assumed that she was there for one purpose, to take the examination. I observed her at that time to see what her attitude would be; see whether there was a great deal of anxiety which can sometime disrupt a testing session and out of a matter of just sheer compassion and rapport, one must try to understand what a patient is experiencing and what in a situation of this kind must represent even more of a threat situation.

You are exposing yourself to the threat of being exposed of dealing with situations in which you are responding without having an awareness of what you are giving away about yourself. There is to a certain extent a probing

page 127] into something that ordinarily in everyday situations remains inviolate. Mrs. Gorman accepted the situation in a very poised manner, very calm, and I said the first thing I would do *withoutany* explanation of anything else because I feel explanation only makes individuals more nervous—I said I would show her some cards, nine cards, of which is a design, simple design.

All I wanted her to do is copy what she saw.

Q. Is that a named test?

A. This name of the test is Bender-Gestalt. Gestalt means form. I am sorry. Sometimes these have to be so complicated-sounding and rather terrifying. Perhaps if Dr. Rorschach's name had been Smith, Jonas or Brown, people wouldn't be so worried about the Rorschach test.

To go ahead, I gave her these cards and asked her to copy these designs. What is intended here is, first of all, to find out how well the individual responds to external model, a model of reality, simple form to more complex, but which a child of ten should be able to copy very well.

This test is used in screening out rather quickly any organic brain damage, any kind of organic syndrome that may have a bearing upon certain types of behavior, hyper-irritability,

impulsivity, poor judgment. This is a quick screening technique on a third level.

Work has been done in the interpretation of behavorial trends, maturity, interpersonal relationships, various aspects of the personality that can be inferred from the page 128] manner in which there are certain distortions in the copying of the form when it is is assumed that these distortions are not attributable to brain damage or some central interfering factor but because the forms take on some meaning, so symbolic significance for the person.

So she's asked to do this. Copies all the forms, and that is the completion of the first test.

Q. And the result?

A. The result in this case — the Bender-Gestalt was entirely within the normal range. This is based upon two approaches, one inspectional; secondly objective scoring by means of what is known as the Suttell-Pzscal, who examined large numbers of patients in state hospitals; also large numbers of normal individuals with brain damage, and have examined certain score numbers and cutoff points where one can say a person is, their score, the chances are he doesn't fall into psychiatric pattern.

I used both techniques on this and on the basis of the Bender-Gestalt alone, which was done very clearly, the orderliness with which junctions are made, the sharpness of the form without spending too much time on it, it indicated to me the reality testing level is quite well.

There are certain problems that are involved here that can be elicited. I would say on the basis of no distortion of reality, no incapability or responding to external forms and models, certainly no indication of the central nervous page 129] system damage.

In general, a good adaptive level without in this case even though there a tendency to run out of the situation or perhaps to overreact emotionally in some situations.

Nevertheless, no indications of the type of immaturity that would be flagrantly manifested in behavior comparable to a child.

This was the first test.

Q. All right, then. Would you proceed?

Fred Brown

A. Let me give you a quick summary, then, of the others. The second, with drawings. First, Mrs. Gorman was asked to draw the picture, to draw a person, and then to draw a person of the opposite sex. This, again, is part of a routine test battery in which it is attempted; first of all, what sex will be drawn first. Approximately 80 to 85 per cent draw their own sex first. This doesn't always mean there is a sexual confusion. There may be a great interest in some member of the opposite sex.

Secondly, we want to see how well the individual is able to project on paper a conception of what their own bodies are like. We don't walk around looking at our body, though we get to know it. We call this the body image.

Disturbance in body image, conception of what we are in terms of integration of bodily parts, disturbance in this can frequently and frequently does represent a break-
page 130] down in the degree to which the individual feels himself or herself organ situations in which they are capable of functioning harmoniously as a person.

So I had her do this on the basis of the first drawings which I will comment on later. I could not say there was any gross disturbance here. Both figures were drawn fairly well. Again, certain problems come out. There are none of these tests — I might say the electron microscope, they magnify a figure, and the psychologist in this case must always recognize, and not take the magnification; we are looking too closely through these techniques and we are looking beyond the usual impression we get in interview.

In an interview we grant the person the right of his defense, to his ways of covering up, to his ways of maintaining integrity, and his "i" in the — the letter "i" in relation to the letter "u."

In this we don't do that. This person is constantly magnifying his faults. It also magnifies the assets. It also magnifies the failures.

The psycologist must therefore recognize we are looking at an *emplified* picture. These tests will bring out negative elements, too. We must decide that we as human beings are heir to and give the flavor of individuality to our personality or whether there is malignant pathology and disease.

Fred Brown

I find in these drawings that Mrs. Gorman's
page 131] problems as a person emerge. I do not find in the
drawings indications of disruption or distortion
of the body image.

The third one was the Rorschach. The Rorschach can be quite an intimidating experience. There are individuals who we have given the cards will say, "Do you want me to hold the *cart* this *say*? May I turn it? What do other people do?" and so forth, indicating they are terrified by the experience of being placed in an experience where they don't know the ground rules.

They don't see the cues. To look at a card to recognize that this regarded as a technique for the understanding and assessment of personality and still not to know the rules whereby you go, what should one respond to; should one take the whole card, or just part of it; is it all right to comment on the card.

It is a very, very puzzling situation. Again I should say that Mrs. Gorman approached this with a great deal of courage but not with recklessness. She took each card. She responded very fully; as a matter of fact, she gave me 46 responses. This is not regarded as guarded. I recorded 46.

Secondly, she did not give me a record in which she nibbled at the edges and picked out minute, little bits. What we *cal* giving bogus productive, the impression of giving full rapport,
but not, really.
page 132] 24 per cent of what she gave me of her re-
sponses she took in the whole card. It shows a
certain enterprise; shows she responded to this.

I took down her responses, scored them and made certain generalizations. Then I gave her an intelligence test. This is, again, the newest variation Weschler Intelligence test. For her general intelligence she came in the bright normal range for a bright person, where she equals or exceeds 85 per cent of the people her age in the verbal scale.

Bright in the upper ten per cent non-verbal in the bright and in the upper 20 per cent. Nothing bizarre in this. Very little scatter of the test. No great highs and no great lows. She maintains an even reaction here.

I then gave her two tests in which — two paper and pencil

tests, objective tests, because I wanted to give her to a certain extent a break to let her work by herself and these are multiple choice items.

Many of them are being discussed. One says NSQ form; the other merely says one neuroticism; the other deals — the estimation of ages.

These tests are developed by Catell, who has worked on them for twenty years and is factorially designed *gests*. She comes out very well on this entirely, all the way through — entirely within normal ranges. This gives her an opportunity to respond.

page 133] Then I gave her the sentence completion test and the TAT. I present her with a picture and ask her to make up stories about it.

The instructions are make up a story telling me what is happening here; what went on before; what is the individual doing now or what were they doing. What are their thoughts or feelings. I had already previously asked her to make a comment on her own drawings.

Now these pictures look clear. They are actually quite ambiguous as in the Rorschach; it taps some corner, some aspect of the individual's personality.

If I show her a picture of a youngster looking at a violin. If she says she is trying to stamp something, there is already a distortion of reality.

I expect the person to look at this to project in the picture their own feeling. In other words, here is a task. How do you respond to the task? Who placed the task before the child? What are his feelings about it and his thoughts? What will he do? Certainly, there is a person who says he is going to smash the violin and one who says he realizes that he is to practice it, and he may even get to like it.

So these stories pick up moods, feelings, conceptions of outcomes, expectations of outcomes; conception of how people relate to each other.

As the patient tells the story, I type it. Some-

page 134] times they talk faster than I can type, which sometimes throws them headlong into the story. I tell them there is no rush; take your time; this was the test.

All right. So, I hope I have not taken too much time.

Q. You have explained it very well, Doctor.

Fred Brown

Did there come a phase, then, of interviewing on your part or is this carried on simultaneously with the testing?

A. The phase of interviews came at the very end. I am sorry, I didn't give it to you in the right order — when I use a short sentence completion form, this sentence completion form, and we use it at Sinai with everyone from our 157 Psychiatry Institutes, and our patients — outpatient clinics — we use this, as well as the rest of the test.

What happens here: the patient is given a sentence to complete, but told to respond in terms of their own thoughts and feelings on a conscious level. This is a kind of highly structured and sharply focused interview where the first item — I admire it — patient is told to complete the sentence, these twenty items, I think; and then sometimes people — because here there are some people who might respond to this in a very facetious and irresponsive manner in an attempt to cover up back down this stage of examination in such items as "My husband always," or "When I was a child" or "My parents used," or "My greatest fear."

One gets a pretty good picture by this time page 135] how a patient is likely to respond.

This then would serve as an interview, but may I point out that the entire test battery from two and a quarter to three hours is in itself an interview in which the psychologist is very responsibly and carefully taking a variety of the samplings of the patient's behavior, which he can then compare with his experience, his own acquired norms with standard setup elsewhere, with criteria, but this, too is an interview.

The Rorschach is an interview in which I am asking questions; I am getting answers; but I am getting — I am eliciting the patient's questions; stimuli, so to speak.

Q. Doctor, after performing these tests and interviewing Mrs. Gorman, were you able to form an opinion with respect to her emotional stability, particularly in relationship to those factors that would control or be part of normal motherhood, and if so, would you please give us that opinion?

A. Yes. I came to such a conclusion.

It is a conclusion that always forms part, or should have a psychological report, namely a statement about the patient's

emotionality. We call this an affect — a-f-f-e-c-t — which takes in moods, feelings, emotionality, and whatever, of the emotional aspects investigated in relationship with other people. In this respect I came to the conclusion

page 136] that in the emotional — let me just read part of relating to — if you wish, I'd be glad to elaborate.

In the emotional there she shows the same oscillating quality — by oscillating, meaning moving back and forth, having a certain instability, which in recipients oriented affected an adaptation. That means an emotional adaptation that is aimed at eliciting from others an affection, attention, regard, is subject to collapse under impact of strong excitation under strongly exciting stimuli, which I would call *maximilli* provocative. This capacity to show feeling aimed at eliciting these emotional benefits from others can undergo collapse. In other words, the individual can lose control and go to pieces — not to go to pieces in a disorganized, let's say an outburst, although holding up under more tranquil conditions and a low threshold of anxiety that have tantrum characteristics; tantrum characteristics, and are motivated, and here is where your test comes in — to understand rather than merely describe and stigmatize and are motivated by fear of rejection on the one hand, because the need for acceptance, affection and regard is very high here, and by intense oral affection needs on the other hand — this, again, need for love, regard, security, acceptance. There is the possibility that her home life as a child seemed smooth and loving on the surface with intellectual coloration, which

page 137] obscured the interaction between child and parents.

This isn't an unusual occurrence but it can have an impact on the individual and may leave a real hunger for perhaps a stronger dose of emotional receptivity and the expression of feeling and warmth than might be the case, than somebody who had been, so to speak, better fed emotionally by the parents as a child.

At one point in the thematic *asper*, after offering a benign theme, a very lovely story to a scene showing a husband and wife in a tender embrace, she added the story, added it was "pollyanish;" an indication of the insight on her part; will impart a pollyanna theme, a world in which there isn't

a certain single negative, which I noticed in Mrs. Gorman's case, and if the Rorschach, to give it sometime an impulsive reaction, and then to retract, and to say no and to offer a response — this we regard as resilience of the personality. Here, too, I think it represents to a certain extent an element of the intellectual honesty to be able to pause to observe once, and rather than attempt to cast a gauzy veil of shining pity in front of the examiner, to pause and say "Yes, I am aware of the fact that I am over-beautifying this pollyanna in its awareness to deny the existence of its strife."

I think Mrs. Gorman is aware of the fact that she has a tendency to enclose this, and not come into con-
page 138] sciousness and disorganize her.

I say — may I add one more sentence? She struggles with the elements of emotional regression, the tendency to show emotionally immature behavior, anger tantrums, outbursts, coupled with immature yearnings to allow herself no inner life nor fantasy.

This comes from the various techniques. She also struggles against this pull toward regression toward growing down intead of growing up to become a child in a situation *shere* she is frightened, to let herself go with anger where a little child might break out in a crying tantrum because it is frightened — has tried to reconcile the backward drift with the reality orientation that might give her satisfaction at all levels of her personality.

We have seen, then, in the emotional sphere, what I referred to as oscillation, a *moiving* back in the face of certain pressures and threats to the emotionally less stable; possibly the capacity to move ahead, however, and to adapt and to take advantage of those situations that encourage growth and maturity, the wish to achieve a more stable and consistent emotional adaptation leads to guilt; leads to feelings of inadequacy, and leaves her with a sense of worthlessness when she does slip back. Then she had to fight her way back again and to move up part of her past pulls her back.

page 139] Q. Now, can you take this finding with respect to her emotions, her personality, as you describe, and relate this to fitness in regard to motherhood? I believe you commented on that in your report.

Fred Brown

A. May I read that part?

Q. Yes. Go right ahead.

A. Let's consider this for a moment and I think I must add here that I am expressing an opinion that I don't know how many mothers nor how many potential mothers would pass any test of mother competence or aptitude were we to set such a test up.

I think there would be a sharp outcry if psychologists came through with the proposal that no couple would be permitted to have children until they had passed what we would call maternal aptitude, a maternal aptitude test.

We have no such thing and we would have to learn, sir, much, more about what makes a good mother, because the concept of "mother" sounds simple; the complex dimension of maternal, not to speak of paternal, behavior, but we won't take that into consideration.

I said here there is no indication of the psychopathology — I mean by that if a mother is schizophrenic, if a mother is schizophrenic or if she is manic depressive, in a manic depressive state, or depressive, she oscillates and withdraws, she is likely to show not what we would call an

page 140] emotional immaturity, she is likely to show emotional unreality, what we call pathological emotionality.

She will not relate well to the child because the schizophrenic — certain types technically cannot communicate emotionally in addition to the fact there might be a breakdown in communication on the meaning level.

The child gets his conception of what the world is from his parents. I am emphasizing the point. I find no indications of pathologically disturbed or malignant individual who fall into any of the categories that we would regard as psychotic. Now if we go in the neurotic categories and neurotic traits, then we are talking about a large number of people who are never seen by the psychiatrist, and who have their problems.

I said there is no indication of destructive, sadistic impulses. I was particularly concerned with this. This is hard to conceal in the test battery. It will be developed in the tests most directly but only because they don't know the ground rules or the pitfalls in the test — such harshness, such violent destructiveness, which sometimes warrants the term "vision"

if she has no love and affection, let's say, from a husband who may represent in her unconscious, one from whom she wants something, if in addition there is destructive, almost homocidal tendencies.

In the test I would have had to say this is what
page 141] I found; I regard this as most inimical to the
welfare of a child; therefore I say there is no destructive, sadistic impulses which would be prejudicial to the children. The question of whether or not she is a fit mother with regard to the correlation between test findings, and, I might say, clinical findings here, and external criteria of good and bad mothers, no such data are available upon the clinical experience on this point and I have had cases in which the question was not in a court case, but to what extent is the mother influencing the child's behavior negatively.

Q. Doctor, let me ask you this question. You talk about the tester, the psychologist such as yourself, that has given these tests, and then you talk here about external criteria findings and observations. Explain that to me with respect — in other words, are you talking about in order to put the final touch on the work you would do here, you'd have to have a period of time observing the mother in her everyday life with the child; is this correct?

How she feeds the child, how she helps it, or isn't helping it.

Mr. Howard: Well, of course, your Honor, I think the doctor is a pretty capable person. I think I know what Mr. Ferrari is trying to get across to him. I don't think it is very definitely suggesting an answer to the doctor. I think the
doctor is capable.

page 142] Mr. Ferrari: I withdraw the question.

The Witness: May I clarify external criteria? If we set up an experimental situation in which competent observers as a team made up of psychologists and psychiatrists and social workers were to take in, let us say, in a housing project, we were to take two hundred families, we would take 200, 100, we would have regarded on a variety of tests as representing good parents and another group bad parents; and, let us say we would observe these carefully, daily visits, be hard on the people, I imagine samplings, half

hour samplings every two days for a period of two years where we would — then these are the various manifestations of behavior.

I say that because in one study made on the kind of parents who rear good, adequate and well-adjusted children, this was done out in the Midwest and differentiate by variety of — hold up as good and hold up as bad — one would think there would be an idealized picture. What this man — I think his name was Stott — found, was very disconcerting to us. We assumed, as a matter of justice, good mothers and fathers deserved — not bad mothers — because there is kind of cosmic justice — we found that the parents of the very fine, adjusted children, we found the parents yelled at their children, were emotionally upset, not fair-minded — in other words, our idealized conception of the page 143] good parents was not borne out by this, so we would want to observe. We might find out that the parents of the good child, the well-adjusted child, the normal child is, let us say, yelling ratio of 1.5 hours per week of the bad child, yelling ratio of 1.3 statistically.

The experimental approach with external criteria — we have to depend upon our fallible human experience in terms of the reasonableness of the range.

By Mr. Ferrari:

Q. I see.

A. If I may read the last part:

No such data is available and the tests do not stigmatize her as a person unfit for motherhood.

That may sound like a negative statement, those criteria psychotic, sadistic, particularly aggressive, pathologically — extremely infantile, inadequate personality patterns of this kind which I would say, for my screening, I would say do not exist here. So, as I have said here, immature; would mean very mature have failed in this respect. Contingent factors in the case which are mentioned throughout in view of the finding and it is not a presumption or free-floating postulate, because if Mrs. Gorman, on the basis of her tests, is a person who needs a supportive relationship, affection from a kind,

Fred Brown

fatherly figure in her relationship, the feeling she
page 144] is wanted, accepted and loved for herself, then
there is no need for her to compete with a child, and this is where the immaturity lies, and it is not an unusual situation and it is found in people who would otherwise pass as completely normal.

In society she would not have to do this — the contingent factor in this case, the type of relationship which she has with her present husband, the degree with which her *roviding* her with deeper satisfaction, the kind of emotional climate in the home — so my answer to your question is on the basis of the point from my own data and good conscience, I do not perceive in everything I have here an unfit person. I am not looking at this from a moralistic standpoint.

From the standpoint of the personal integration, I could not say in good conscience this is an unfit person.

Q. Doctor, — Doctor, there has been stipulated between the parties that a report from Aptitude Associates of Merryfield, Virginia, of Doctor Morgan will be submitted in evidence by the complainant in this case and at this time I'd like to ask you if you are familiar with this report.

A. Yes, I am.

Q. Did you receive a copy of it?

A. Yes, I did.

Q. From whom was it; from me?

A. I believe you gave me a copy.

Q. And have you read this report?
page 145] A. I have studied it very carefully.

Q. Now, before we go further, Doctor, I would say that I wish you in your comments concerning this report, to cover only those facets of it that involve Mrs. Gorman and any findings therein concerning her.

Did you find a diagnosis or comment concerning the fitness of Mrs. Gorman in this report and if you did, would please read it?

A. I believe I found what I would regard as a diagnostic evaluation or diagnostic impression and it comes out here, we always believe he will become —

Q. Would you refer to the page?

A. This is page 16. We will also believe he will become a disturbed and inadequate adult if he is left under the control

of his mother, who appears to be emotionally disturbed.

This I regard as a diagnostic statement.

Another that I regard as even more firmly and vigorously diagnostic, I might add in passing, I would refrain in any psychological report, Cameron's mother is unstable, explosive, impatient and a worrisome person. Is consistently nagging Cameron with her own personality. These emphasize traits that do not redound to it, and very definitely would call into it a negative connotation.

Q. Now, in your study of this report, did you
page 146] find on what basis these diagnostic opinions were given and what factors they were based upon, does the report establish this?

A. I looked through the report two or three times when I read it, searching for the source of these statements. I did not find many. I was then surprised to find, rather, that Mrs. Gorman had not been seen by whoever had written this statement. Consequently, they were not based upon psychological reports, and I might only say that had they been based upon such a report, there might have been a difference of opinion in our findings, but this is not based upon physchological report, does not appear to have been based upon an interview, what we call a stress interview, and subject them to stress in order to see how they will respond. There is no stress interview here; there is no examination. I see a diagnostic statement of profound implications based upon no contact with the individual.

Q. Well, what was that based on; was that mentioned?

A. It seems to have been based upon conversation with other individuals involved in this case. I think mainly with the former husband, if I am not mistaken.

Q. And anyone else?

A. I think there is perhaps a present wife; I am not sure. I think perhaps the two individuals who would be involved in the custody contention.

Q. How about the child involved?

page 147] A. Why, yes; statements by the child in answer to questions asked about the mother are given full credence here as warranting a diagnostic formulation of the mother, although — may I add a comment; the comment is this:

Fred Brown

The child is, this child is described as ideationally unstable. I don't know what the term means. It might mean a thinking disturbance; but I can only guess; emotionally unstable; highly distortioned in his behavior; and then the statements about the mother which are based upon questions asked are accepted as though these were the measured objective conclusions of a mature and stable person, rather than questioning whether these might not, too, be emotionally exacerbated or fantasy-distorted conceptions on the part of a disturbed child.

Q. Now, Doctor, can you express an opinion with respect to your profession and respect to your own personal opinion in your experience? Is it possible to give a psychological examination of an individual by the methods that were used in this report?

A. It would be regarded as most unprofessional.

Q. On what do you base this, sir?

A. I base this on conventional usage and I base this on the statement in the Code of Ethics published in the American Psychologist. No diagnosis may be — that is based upon indirect means; may not be done by mail. One page 148] cannot mail out tests, as this is regarded as a breach of ethics to do by mail, your I.Q., your intelligence, your aptitudes, and so forth.

The word diagnose, by indirect mention, I think applies here. And if I were looking through the Code of Ethics to guide my own behavior, I would say any statement made about a human being who I have not seen or examined and concerning whom I am asked to make a statement, I may freely make a statement about anybody. I can make a statement about a political candidate if I were to say this in open and in court and would not only perhaps be scurrilous, it would be absolutely unprofessional, and because the answer would be have you seen him; therefore I reduce myself to the level of a gossipping layman if I allow myself to generalize.

I wouldn't regard the statements of the individuals who are emotionally involved or otherwise to be documentable data.

Q. Assuming the condition described with respect to the child Cameron to be true and proper finding, can you tell us whether, considering the tests that were given to the child, the contact the examiner had with the interviews he had or

she had with the father and the present stepmother, do you feel in your professional opinion that the cause of this condition could be validly determined?

Mr. Howard: That the cause of what condition?

Mr. Ferrari: Of the child's condition, assuming

page 149] this to be, assuming this condition described here with respect to the child is here true and valid?

Mr. Howard: Yes; go ahead.

Mr. Ferrari: Can the cause be determined?

Mr. Howard: Because of the child's emotional condition?

By Mr. Ferrari:

Q. Because of the child's emotional condition, from the methods used and described in this report.

A. You mean in a pinpointing sense?

Q. The cause of the child's condition.

Q. I think, if I may just comment on this problem, this is a worrisome problem and a common one in our field, and that is to determine the causal sequence. Because we deal with a number of problems. One is constitutional factors. There may be a youngster who is exposed to a situation of minimal tension and pressure who shows a maximal response. I might point out this was true of soldiers who went into combat, those who developed back pains as they walked up the gangplank as they went overseas, and, for two years, and then broke down. Determine the resilience of an individual. This represents a big "X." We don't know what goes into it yet. That is number one.

Number 2. We would say if an individual has a weak tolerance for stress and tension and is subjected to

page 150] strong stress and tension, then we are going to see emotional disturbance of quite a magnitude. I think it is very difficult from these tests alone to say — to point to an individual and say this individual is responsible for that individual's condition. We would be in a better position, quite apart from the test we take for granted, this is a disturbed child. If we want to be more careful, we would make a study of the child we were examining; the mother we would examine, the father; and we would examine the individuals who have had any contact with him in order to get a pic-

ture of stresses and strains.

To answer your question without further commentary, I would say, to make a sharp and definite imputation of blame and responsibility in a causal sense would give a more experienced psychologist considerable pause. I would hesitate to do it.

Mr. Ferrari: Thank you, Doctor. I have no other questions.

CROSS EXAMINATION

By Mr. Howard:

Q. Doctor Brown, I guess you will agree psychologists and medical doctors would have differences of opinion?

A. Surely.

Q. No question about that. You have certainly learned that the years you have been in practice; isn't that true?

page 151] Now, when this lady, Mrs. Gorman, came to you, she was sent to you specifically for the purpose of having you evaluate *here* from the standpoint of whether or not she was fit, emotionally speaking, to rear a child that you knew to be emotionally unstable; isn't that true?

A. No, not really. I knew this, but it really wasn't the purpose.

Q. What was the purpose?

A. Well, when patients are sent to me —

Q. Why was she? I don't care about other patients.

A. She was sent to me to make a comprehensive assessment of her emotional, intellectual aspects and liability as I possibly could. This was my major task. The implications of this are secondary.

Q. All right. Let me say this: Would it be a fair statement to say for the purpose of having you evaluate her emotionally?

A. That is right.

Q. At the time you knew this particular proceeding was pending?

A. Yes, sir.

Q. You knew there was a question, of course, of custody of the child?

A. Yes.

Q. You also had a history of the child, I assume?

page 152] A. When you say the history of the child, I had a psychological report.

Q. Didn't you know from your own client as of February 1st — as of December 1961, the child was emotionally unstable? Did you know that?

A. Yes. I have it in the report by Aptitude Associates. I have that.

Q. Now, in — Doctor, I might ask you some questions that sound stupid. Just pardon — I don't know any better — I am just —

A. I become much more cautious when I am asked stupid questions.

Q. Let me ask you this:

In answering one of the questions that was asked you by Mr. Ferrari with regard to fitness, emotionally speaking, of the mother, I understood you to talk in terms of a person who was a manic depressive, a *schizoprenic* person; you didn't have any reason to believe this lady falls in that category.

A. No.

Q. You recognize that as mentally sick?

A. I do, but the masks of this, the borderline, the pseudo-schizophrenic, call for a very careful evaluation. There are many parents who seem normal who are pseudo-neurotic. I'd have to consider that in terms of the diagnostic implications and the behavioral inplications of such a diagnosis.

page 153] Q. All right. Are you through?

I will ask you again: Will you tell me this: Do you classify a schizophrenic person and a manic depressive person as a mentally sick person?

A. Oh, yes.

Q. No question about that. Now you don't classify all emotionally disturbed people as necessarily being mentally sick, do you?

A. There is a question of terminology here.

Q. Well, many, many people are emotionally disturbed;

isn't that true?

A. Let — may I clarify this for myself, please? I don't use the term generally, "mentally sick." I may use the term "emotionally disturbed" when I am thinking of someone who is emotionally distortioned, who are in the neurotic trait disturbance. When I say mentally sick I don't use the term; I come out with the kind of psychosis or neuropsychosis that I think it is. I agree with you; I do not regard it as psychotic. I would not use those terms.

Q. You couldn't possibly say you knew, could you?

A. No.

Q. Because there is a very definite distinction between a psychotic person and emotionally sick person?

A. That is right.

Q. There are many, many people emotionally
page 154] disturbed who can handle their problems?

A. That is right.

Q. While others are weaker and can have many of these outbursts and temper tantrums.

A. Now you are going into another category as a manifestation, let us say, of immature or childish elements in their personality which is when they slip back, when they are under stress or strain.

This is not characteristics necessarily of the psychotic person, because what we would be looking for here in such a temper tantrum, outburst, would be what a reasonable person would regard as reasonable, where this occurs without any external stimuli, the person — then again to fall in the category of emotional stresses, one of the psychotic who can't cope with the frustrations — this is the reason they go psychotic where others can handle their problems.

They have very limited coping resources.

Q. Let's try to keep this on the level where we both understand each other without any technical terms.

When you talk about *historian* in your report, this has to do with hysteria?

A. It falls in that category.

Q. The neurotic is just a person who is a nervous individual upset under certain conditions, under stresses and strains; isn't that true?

page 155] A. Yes.

Fred Brown

Q. Narcissism, in every-day language?

A. In every-day language a person who shows a certain amount of concern with himself; let's say egocentric; or turns toward the self or in love with the self or very much preoccupied with one's own needs and makeup and the impression he makes.

Q. The word ambivalent.

A. *having* positive or negative feelings. One is of two minds about something.

Q. Now, Doctor Brown, as a psychologist, you diagnose, really; you don't treat?

A. Don't treat.

Q. In other words, if I come to you and I want to be analyzed by you, if that is the proper way to say it, you of course want to know something about my problem. You want to know something about the history and then, of course, you conduct the series of tests *tha* try to bring out my inner thoughts to enable you to evaluate me; isn't that correct?

A. That is correct.

Q. But it is very important, if you are to get a true reflection of these tests, to have the history of the person involved; isn't that true?

A. It is true if someone — if you came to me
page 156] directly and said you thought you had a problem
and you wanted to know if it was sufficiently severe to warrant psychotherapy, that I might steer you to a psychotherapist, because then the psychotherapist would not be sending you to me after having interviewed you and then wanting to put the information with his own to get a three-dimensional picture.

Q. Of course your diagnosis has got to be predicated on the person you are psychoanalyzing telling you the truth?

A. You mean in the testing situation?

Q. You are going to try to evaluate him as you did Mrs. Gorman?

A. Oh, no; not really, if that were the case, the psychiatrist would pick this up or if the people — person had it within himself to malinger, they are very convincing with their direct relationship with people.

We could never work with the psychotic's aspect of reality, which is grossly distorted, and the patient, whether truthful

or not, the patient will sometimes say whether I am telling you the truth — that isn't the truth; just responding.

Q. If it is a known psychotic, there is no necessity for you to diagnose him?

A. Yes, there is.

Q. You mean on the grade or type?

A. It is a matter of grade. The type, — in our page 157] case it is, I think, how much strength the patient has, how treatable he is, what areas of treatment may be approached, and what the prognosis of it is. Just the fact that a person is disturbed is not a *hopless* situation for him.

Q. Did I understand you to say in one point in your testimony, taking this whole picture, that you feel that Mrs. Gorman is attempting to overcome the problems that she has?

A. She reflects this in her tests.

Q. So you do recognize the fact that she has problems?

A. Oh, yes.

Let me ask you this —

Mr. Howard: You are going to put this report in evidence?

Mr. Ferrari: Yes.

By Mr. Howard:

Q. On page 1 of your report I just want to ask you if this is correct. Is it correct that after conducting these tests you said the impressions she communicated was that of an individual who has been kept off balance by a series of adverse events?

A. She — excuse me. Where is that?

Q. On page 1, the second paragraph.

A. To some extent the impression was that —

Q. That was your impression; is that correct?

page 158] A. Yes. Yes; that was my impression, precisely.

Q. All right.

Now, on page 2 of your report and your numbered paragraph, but in paragraph 2, is it true that as a result of your tests you came up with this conclusion, qualitative features of her responses?

A. Excuse me. Oh, I see.

Fred Brown

Q. Reveal her to have bright, commonsense solutions to everyday situations. She is inclined to behave impulsively under stress." This is a very definite conclusion you reached as a result of your test.

Specially of the type that would greatly threaten her and she is more inclined to be *guded* by her likes and dislikes than by the dictates of conscience, values, acquired from parents.

Now, I also direct your attention to page 3 and I guess you would say it is about the middle of the paragraph at the top of the page.

It can be inferred that she places a high evaluation upon herself in terms of narcissism.

A. Narcissist expectations, which is the egocentric type which you spoke of. She craves maximum responsiveness from others in a somewhat immature fashion that her threshold for frustration tolerance may be lowered when she feels herself to be placed in a socially marginal position. page 159] This implies underlying feelings of insecurity that generate high achievement aspirations which conflict with a wish for a state of passive *contenment.*

And the desire to represent a loved and desired female towards whom the male is oriented.

A. This is another conclusion impression you reached?

A. Yes.

Q. Now, Mr. Ferrari asked you how you would evaluate the findings of Dr. Morgan. Do you know Dr. Morgan?

A. I do not.

Q. You never undertook to contact him after you — you are shaking your head "no?"

A. I said I did not contact him.

Q. Do you want to answer it for me before I finish the question? At least we have got something to go on the record here.

I asked you this: Did you make any effort to contact Dr. Morgan after you received this report and ascertained from him where he got his history or *from* he got it?

A. No, I didn't.

Q. And as far as *youare* concerned, whatever the child said to him had absolutely no meaning, so far as you are concerned?

A. Oh, I wouldn't go that far.

Q. What?

page 160] A. I didn't say that. I think it has a lot of meaning, but I would hesitate to draw from this a diagnostic conclusion about someone else.

It has meaning but I would want to see that meaning within the context of presumed distortion of reality.

Q. Are you saying to this court that you, in your opinion, Doctor Morgan based his opinion on what the child said alone?

A. Yes, I am — not alone but in addition to others. No, but I think on the basis and it is in the report itself, on the basis of the child's statements he threw that into the diagnostic hopper and processed it to the point where he came out with the diagnostic statement it was part of his evidence for his conclusion.

Q. Well, is this correct: You say the question concerning whether or not she is a fit mother would require sound experimental and research evidence with regard to the correlation between the test findings and external criteria of good and bad mothering.

Did you attempt to get any history from Mrs. Gorman when you interviewed her?

A. My —

Q. Just — Doctor, look, did you understand me?

A. No.

Q. Well, I'd like to have a response to my

page 161] question.

A. No, I did not.

Q. You did not?

A. I did not.

Q. You didn't feel it was necessary?

A. I didn't feel it was necessary.

Q. Then in other words when a person comes to *youto* be psychoanalyzed —

A. Not psychoanalyzed.

Q. All right; to be evaluated; you are not interested in finding, obtaining any history from him about the problem?

A. Not history. That would be obtained by the psychiatrist and case worker as I — when I described the test.

Q. Well, if you are evaluating her for the purpose of deter-

mining whether she is emotionally fit, do you have any interest at all in how she has conducted herself with her child before she comes to see you; under what conditions she lived with her husband before she came to see you, or how she reacted to certain circumstances in her own home.

A. I don't think that would be entirely relevant where the attempt is made to derive documental terms and to make inferences about the patient's personality, which are then submitted to the psychiatrist, whose approach to a patient is by means of interview. That is what he or she is trained in, and then to combine these two in order to obtain a comprehensive picture.

page 162 Q. *Youare* supposed to tell the psychiatrist what is wrong with her so he can treat her?

A. That is right. That is one of my functions.

Q. You are saying to her that a psychologist that has been in practice as long as you have been in practice, if I come to you to be evaluated from the standpoint of whether I am emotionally fit or not, you would not be the least bit interested in my personal life?

A. I would be very much interested in your personal life, but I would much more interested in the kind of person you are underneath rather than the kind of person you are to the eyes.

May I add: I would want to know your conception of your parents as you consciously tell it to me; your conception of your childhood, the conception of your attitude toward work; your attitude toward your wife.

I would get these because it is part of the interview.

Q. You didn't get that from Mrs. Gorman?

A. Yes, I did.

Q. What history?

A. I said I used the sentence completion test. I also had the material that was sent to me by Dr. Faith Ogden to me, who referred her to me and very *fequently* the psychiatrist will send for guidance.

Q. What history did you have from Dr. Faith
page 163] Ogden? May I see it?

A. Surely. Here is a letter from Mr. Ferrari.

Q. I am not interested in his letter.

A. Here is a letter.

Fred Brown

Q. I want to see a letter with some history. I don't care who it is from. Pick out anyone you want to.

A. Here is a letter sent — this was sent to me — a copy sent *tome* by Dr. Ogden in which she writes:

I am sending you a copy — this is September 18 —

Dear Dr. Brown:

I am sending you a copy of the diagnostic evaluation I have made since then, etc., etc.

This is a letter sent to me by Dr. Ogden in September.

Q. Now, let's see —

This, she said is the history she used in evaluating Mrs. Gorman.

Is Doctor Ogden — is she a psychologist or psychiatrist?

A. Psychiatrist.

Q. She is a psychiatrist. In her letter of September 8:

I am sending you a copy of diagnostic evaluation.

Does she have in mind this letter dated the 3rd of December, 1963? Is that what she is referring to?

A. I underlined diagnostic statement. I had from her. The only letter.

page 164] Q. That is when she told you Mrs. Gorman is a very insecure and immature — continually being buffeted by ambivalent feelings toward Cameron and her own feeling that she is not *asuccess* in any way.

Following the birth of second child she suffered a postpartium depression.

Did this lady tell you she went to a hospital as a result of this episode?

A. She told me she had had a previous psychological examination. I always ask whether the *e* had been any exposure to psychological tests before. She told me she was.

Q. Who told you that?

A. Mrs. Gorman. Because if someone had had five different test batteries administered I want to know about or rather I like to see the raw data and try to get hold of it and if the

patient is in therapy, what has happened from one test battery to the next.

I asked her that. She said she had taken it. She had tests before pre-marriage in 1960, etc.

So I found that out. I know she has a baby girl two years of age. That she went through —

Q. Doctor, don't let me interrupt.

I think I asked you did you know she had hospitalization as a result of this breakdown she had.

A. Yes. I know that.

page 165] Q. What hospital was she in?

A. I don't know. I don't know the name of the hospital. I am not familiar with it.

Q. Did you determine whether or not she had received any treatment in that hospital for an emotionally disturbed condition?

A. She mentioned being in the hospital. I asked her that. There was very little therapy carried on with her.

Q. You didn't feel it was —

A. That was the psychiatrist's job; not mine.

Q. Are you willing to say now, you say the psychiatrist — I understand Dr. Ogden is a psychologist.

A. Pyschiatrist. She is an M.D. She is physician.

Q. Now don't get disturbed; Mr. Ferrari misunderstood the witness; *thatis* all.

Well, Dr. Brown, if Dr. Ogden is a psychiatrist, in reaching her evaluation she was governed by the *historythat* is contained in this letter dated December 3, 1963.

Thatis addressed to "Dear Jim" —

Mr. Ferrari: I object to this, your Honor.

The Witness: You would have to ask her.

The Judge: He has answered the question.

By Mr. Howard:

Q. Would you state whether or not it is customary for a, if you know, is it customary when a psychiatrist is

page 166] attempting to evaluate a person, whether he will get certain history?

A. It is part of the evaluation, yes.

Q. Did you use the history in this letter, December 3, 1963,

in making your evaluation?

A. Not to make my evaluations, but to understand something about the kind of person who was coming to me for evaluation. May I say this —

Q. Doctor, I don't mind, if you just answer my question.

A. No, I wasn't.

Q. Now then, speaking about the history, it says Cameron led a very stormy childhood. He was born into marital discord, a wiry baby who walked at nine months.

He vomited and cried a good deal and the father would not let mother comfort him. Father tried rigid toilet training at nine months during which Cameron once became stiff and rigid until the mother finally interfered.

I am going to ask this be put in evidence. Would you just take a look at that and in that history can you find anything at all that would make it appear that Mrs. Gorman, when she was living with Mr. Crounse, had done anything wrong?

A. Oh, I couldn't come to that conclusion.

Q. I am not asking you for a conclusion.

A. The answer is no.

Q. I am asking you just to look at that letter, page 167] and say whether or not there is anything in the history that was given to you to that effect. I am not asking for any opinions from you.

A. Will you please repeat your question, then?

Q. My question is this —

Mr. Howard :Your Honor, I think I am taking up too much time. I will stop.

The Judge: Well, it seems to me the letter is going to be put into evidence. Just to have the doctor read it is just taking up time.

Mr. Howard: The only thing I think is important — I will withdraw — I am very much interested in having him just give me a yes or no answer after he reads that letter. I am going to offer that in evidence — concerning Mr. Crounse — all I am asking him to do is read that letter, read the history that is given to him and tell me is there anything — is there anything in the history that he got from this psychiatrist that is detrimental to —

Mr. Ferrari: Your Honor, if the evidence, if the letter is

going to be put into evidence —

The Judge: I don't believe that is a proper question. It is calling for an opinion and it is outside the scope of the doctor's professional capacity.

Mr. Howard: Well now, your Honor, I would like to respectfully — of course, I think this is very important

page 168] and I earnestly and sincerely urge it to the Court — I think the history is important.

The Judge: We are not talking about the history; we are talking — you are asking the doctor a question as to whether in his opinion after reading the letter, if there is anything in the letter that imputes something bad as far as the wife is concerned.

Mr. Howard: I am not asking for his opinion. I am asking him as a matter of actual fact if he will just look at that letter which he received from the psychiatrist giving certain history concerning Mrs. Crounse. I simply asked him to tell me whether or not there is any statement I am not asking for his opinion. I don't want it. Any statement in that letter that would in any way reflect on Mrs. Gorman.

The Judge: I think the question is entirely too general. Objection sustained.

Mr. Howard: All right. Let me have it just a minute.

By Mr. Howard:

Q. Well now, you of course in your own report, Dr. Brown, said that if you had more data, then of course you could make a better evaluation; is that true?

A. You mean the last paragraph?

Q. The question concerning whether or not

page 169] she is a fit mother would require certain criteria of good and bad mothering. No such data available.

A. If — not entirely not if I had more data. If the entire field of psychology came up with a table of scores, we could say yes or no; that would be very fine. We don't have that. Therefore, my experience comes in here, and I have to render — I have to render an opinion based upon my experience and the test findings.

Q. Well now, let me ask you this: Did you get any history from Dr. Ogden or did you make in talking with Mrs. Gorman,

develop any history concerning a statement that Mrs. Gorman made to her husband, Mr. Crounse, when she was married to him, that housework was repulsive to her and she refused to do it?

Did you get any such history as that?

A. No, I didn't.

Q. Did you get any such history from her to the effect that she did not want to be married and was not cut out to be a housewife?

A. Got no history.

Q. Did you get any history from her to the effect that on two different occasions when involved in a very serious argument with her husband, she pulled the baby's arm out of place?

A. No defense.

page 170] Q. Did you get any history from her that when she was living with her husband, Mr. Crounse, in Charlottesville and he was a student at the University of Virginia, that on one occasion when he returned to his home from a debating trip with students, his wife was standing in front of his home in an intoxicated condition with the baby in her arms?

Mr. Ferrari: Your Honor, I am objecting to this whole line. The doctor testified what history he got from Mrs. Gorman. Now, if all Mr. Howard wants to do is read this letter, he is putting it in evidence. He asked the doctor before what history did he take from Mrs. Gorman. The doctor related it. Now he is going through this letter which he says he intends to put in evidence, which the doctor said he read, took in account.

Now he got this response. The doctor has told the Court what he found on personal interview with respect to history from Mrs. Gorman. I don't see the purpose of it.

Mr. Howard: I will tell you the purpose of it as far as we are concerned. Of course the Court will have to pass on it. The purpose of it, your Honor, is this:

Mr. Ferrari has had Doctor Brown in effect say, not in these words, but I repeat, in effect, say that this report of Dr. Morgan, so far as psychologists are concerned, is nothing short of ridiculous. That he or none of his staff would

never attempt to give an opinion based on such
page 171] evaluation processes that were used by Dr. Morgan, to wit, he never even talked to Mrs. Gorman and got any history—and got any history from Mrs. Gorman; your Honor, I submit I think it is a recognized fact, with all due respect to Dr. Brown, that any qualified psychiatrist, and he—I think it applies to psychologists, too—when they are interviewing a person and when they are conducting these tests for the purpose of pulling out their subconscious mind, that it is very important that they should have before them any and all history material to the issue involved; without that they just can't come up with a fair evaluation.

Now I am asking him questions. I am in a position to submit evidence to the Court that every question I am going to ask him affecting the history of Mrs. Gorman, which, as far as we are concerned would have a bearing on her emotional stability, that these are true statements.

Now I want to know whether or not Dr. Brown got this history from Mrs. Gorman when he interviewed her.

The Judge: Well, the answer, apparently, is no. You have already asked the doctor what history he got, and you have the answer to that question.

So there doesn't appear to be any reason to approach it from a negative side and to ask him all of the things that don't appear in the history of which he has admitted re-
ceiving, and that to demonstrate that there were
page 172] a lot of things that were not in that history.

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page 176]

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(Witness resumed witness chair.)

By Mr. Howard:

Q. Dr. Brown, assuming that in this letter you received December 3, 1963, on the stationery of Faith N. Ogden, D.C., Hickory Lane, New Canaan, Connecticut, addressed "Dear

Jim," that in that letter you had been furnished with history to the effect that in—sometime in 1958 when Mr. Crounse was then married to the lady who is now Mrs. Gorman, when he returned to his home in Charlottesville at approximately 2:30 in the morning, she was in front of the house with a group of people intoxicated, and that she had the child in her arms—

Mr. *Honor*: Your Honor, I think it is only fair to the doctor we are going to try to put all of this into one question, so I am going to try to go slow with you.

By Mr. Howard:

page 177] Q. —that she on that occasion insisted that her husband go out to a bootlegger to get additional whiskey and when he would not do it, she flew into a rage and started cursing him, the State of Virginia, and everybody else; that on another occasion when Mrs. Gorman, then Mrs. Crounse, was with her husband at a theater in Charlottesville and he asked her to sit in a segregated section because of the laws in Charlottesville, rather than in a section reserved for colored people, she became highly insulted and enraged and started again abusing her husband; that on one occasion she admitted to her husband an act of infidelity, and when he accused her of it, she said she had no regrets except that she had committed this act with a big mouth; that on one occasion when they were living in Charlottesville in 1959, at the insistence of Mrs. Gorman, who was then Mrs. Crounse, her husband accompanied her to the office of a lawyer because she had informed him she wanted a divorce, and that she had a conference in the lawyer's office, and when she was advised that she had no grounds for divorce, she became very angry, bewildered and upset, and started mentally abusing her husband; that after they left the lawyer's office, she actually became hysterical to the point where he had to find a remote area in Charlottesville to try to quiet her down; that I believe I said before, but,—

page 178] that on two separate occasions when her husband was not with her she pulled the child's arm out of place when in a rage; that on at least one other occasion, if not more, she suggested to her husband, who

was then Mr. Crounse, that he permit her to go out with other men and still live with him, and if he would agree to that, they could get along better; that while visiting at the home of friends Frizzell in Florida, a discussion came up about the segregation problem, that she became enraged and hysterical and attempted to pull the telephone off the wall; that in October, '59, she refused to have sexual relations with her husband, who was then Mr. Crounse, saying Mr. Crounse had become repulsive; that while they were living in New York City—I am not sure about this, year—New York City, Mrs. Gorman, who was then Mrs. Crounse, insisted that her husband permit her to go out on dates while he stayed home and kept the baby, which he agreed to at the time; that on another occasion when her husband was attempting to pour some orange juice into a glass that was being held by the child, it spilled and she flew into a rage at that time and started upbraiding her husband because of that; now, that on another occasion that she had *had* gone to Syracuse to see a lawyer. He had suggested an Alabama divorce, to which Mr. Crounse would not agree and that she became very angry, crying, hysterical because he wouldn't agree that she could get a divorce on mental cruelty; page 179] that in 1958, when her child, the one in question, now was two months old—a year and a half; I am sorry—she left her husband and her baby to pursue a writing career; that at least on one occasion, if not more, she said she would lie on the witness stand, if necessary, to obtain custody of her son; that on several occasions in these emotional turmoils she referred to Mr. Crounse' father as a bastard and that she referred to her own parents as bourgeois slobs;

Dr. Brown, if at the time you received this letter dated December 3 from Dr. Ogden, there had been statements in the letter which you would have relied on containing just what I have said to you, would that in any way have affected the concluding paragraph in this report which you have submitted or which you have testified from?

A. I had a lot of that information in this report. I had a lot of that information.

Q. Which report?

A. The report from Aptitude Associates; right up to page

6, middle of page 6. There is a lot of this material. Most of this is not new to me.

Q. Beg your pardon?

A. It is in here; extremely, for the uncontested agreement, wife was out in evenings with a man that Mr. Crounse had known overseas. I knew this.

Q. Did you accept the statements in that re-
page 180] port as being the truth?

A. His historical material—I would only raise the question of how much interest in it by the person who gave it; what I missed in this is Mrs. Gorman's side of the matter, too.

I am getting the husband's description. I would want to know both sides, so the one who would collate the material in a one-sided document never tells me anything except one person's impression or bias or truth, for that matter.

Q. All right.

Now when did you receive the report from Aptitude Associates?

A. Let me see. I saw it a week—less than a week, because Faith—Dr. Ogden had not yet received the report from them, and I told you I had sent it to her—this was October 13. This is August; about 16th or 17th, somewhere around there; I am not sure when in August—In October.

Q. In other words, you had the report, then, from Dr. Morgan before you saw Mrs. Gorman?

A. That I am not sure of.

Q. Beg your pardon?

A. I am not sure of it; I couldn't be sure.

Q. Because you said a few minutes ago you would be interested to know the other side of the story, and I—

A. Yes.

page 181] Q. And I understood you to say that you had most of this information when you saw Mrs. Gorman.

A. What I just said a while ago I think holds. I think I wrote this up and then this came to me after I had written my report, but I wanted it that way. This is the way I operate. I wanted it that way so I could prepare an unbiased test evaluation without being contaminated by anybody else's biased reports or history now what you have.

Q. Well, the only thing I want to ask you, Doctor, is this: When you saw Mrs. Gorman on October 13, did you then at that time have this report from Morgan, whatever the names, from—did you then have in your physical possession the report from Aptitude Associates?

A. I don't think so.

Q. That is your best answer?

A. I don't think so.

Q. So when you made your evaluations of Mrs. Gorman, you did not have the benefit of the material contained in this report?

A. I did—whether it is of benefit I don't know. I did not have the material. I had Dr. Ogden's letter.

Q. So therefore, then when you said you had to know both sides of the story, this didn't even enter into your evaluation of Mrs. Gorman?

page 182] A. No, it did not.

Q. And you did not call her back after you received this report to get her side of the story?

A. I didn't need to. This was outside my responsibility and my function here. I wouldn't have done it under—I would not call back the patient of a psychiatrist who's referred to me, and who asks the help of an objective evaluation of her personality. I would not go beyond what I did.

Q. And the answer to my question, did you call her, I assume you did not call her back?

A. For good professional reasons I did not call her back.

Q. And you did not discuss with her what was in this report from Aptitude Associates, said by the child Cameron with reference to the temper tantrum of his mother in the home with reference to her screaming and shouting?

A. I did not have this at the time.

Q. I realize that, Dr. Brown.

A. So I could not have gone into it.

Q. There did come a time when you received it, didn't there?

A. Yes.

Q. And, Doctor, there did come a time when you read it, didn't you, and when you knew what you were reading had reference to the same lady you saw on October the 13th?

page 183] A. Yes.

Q. Then after you read this material, you did

not have any further conference with Mrs. Gorman about the material itself, did you?

A. I didn't, and there was no need to, and this was not an act of any omission, because I want to make this very clear.

Q. I am not trying to reflect in any way on your training or your ability. This letter, I believe, belongs in your file.

A. There is no reply in my report; in answer to your question, I would have changed in terms of the evaluation and the analysis had I had both sides, because, in all honesty, I have to abide by what I can demonstrate and document, and that is my function.

If someone tells me something about a patient on the outside, if a psychiatrist says "I think this patient is schizophrenic," I merely say I find no such evidence; there is nothing in the report that doesn't bear on this.

Q. I think you have really covered it, Doctor.

A. All right.

Q. Let me ask you this—if I don't make it plain, just ask me and I will try to make it plain.

Assuming when you saw Mrs. Gorman on October 13, you did have the benefit of the material which was page 184] in the Morgan report and the information which I gave you in the form of a statement and you believed it, now you had accepted it as being the full and complete truth, would it then have affected your report in any way at all?

A. It might have affected the report, let us say, of one of my trainees, I would not have permitted it to affect my report, because I would have focused my attention upon the kind of raw data with which I work, and would present it upon that basis. I would not have allowed it to influence me except that there are statements in the report which indicate narcissism, which indicate the potential outbursts.

I would not have this misunderstood as a kind of special pleading because I found the opposite. I would be equally objective. I would have reported that, too, if I thought that this was a person who would fall into the category of grossly unfit history or no history if I found this on the basis of my finding.

Q. Are you through?

A. I am through.

Q. Dr. Brown, did behavior of Mrs. Gorman, then Mrs. Crounse, as I have described it to you, is not incompatible with your diagnosis; is it?

A. I saw her five years later.

page 185] Q. Now wait a minute. You don't have to go into details about; you are a trained man. I asked you a simple question.

A. Let me, then, put it this way —

Q. I would like to ask you to answer my question direct first. If you want to amplify it, all right.

You don't understand everything I have said to you — I don't think I said it in your presence. I represented to the Court that I will produce sworn testimony; whether it is accepted by the Court I don't know, but I will produce sworn testimony to substantiate everything I have told you about Mrs. Gorman's behavior.

Now I asked you, isn't the pattern of behavior that I described to you in those statements compatible with the findings in your report?

A. By and large.

Q. Now you saw Mrs. Gorman on only one occasion; isn't that right?

A. That is right.

Q. What period of time did you personally see her?

A. I'd say approximately three hours; from 3 to 6.

Q. Did any of your trainees see her during that time?

A. Oh, no. She came as a private patient.

Q. So you conducted all the tests yourself?

A. Oh, entirely.

page 186] Mr. Howard: Now, your Honor, I'd like to offer in evidence; of course, this comes out of the doctor's file; I imagine we could make a copy of it and give this back to him or send it back to him, but I would like to offer *his* exhibit on behalf of Mr. Crounse, a letter dated December 3, 1963, on the stationery of Faith M. Ogden, 57 Hickory Lane, New Canaan, Connecticut, telephone number 62226, which produced by Dr. Brown, the psychologist, offered as a witness on behalf of Mrs. Gorman, and Dr. Brown states that it was sent to him by Dr. Ogden,

a psychiatrist, who was the referring physician.

Mr. Ferrari: Your Honor, I will have a copy made at noontime in my office, and submit it.

The Judge: It will be marked as Defendant's Exhibit.

Mr. Ferrari: Complainant's, I believe.

The Judge: Complainant's Exhibit No. 1.

(The document referred to was marked Complainant's Exhibit 1 for identification and received in evidence.)

By Mr. Howard:

Q. Doctor, I understand in your particular field you take care of children as well as adults; is that right?

A. That is right. I generally know — I used to see children from the age of one up. I now restrict myself from the age of 8 up. Children, adolescents and adults.

page 187] Q. How long has it been since you evaluated children from one up?

A. Children one to eight — it's been at least 20-25 years; ever since I was in the Armed Forces; since 1943.

Q. Do you have an opinion as to whether or not the identity between a child and his or her brother in the first three years of his or her life is of any significance so far as the future of the child is concerned?

A. I'd say very much so.

Mr. Howard: That is all.

Mr. Ferrari: Your Honor, I have just one or two.

Mr. Howard: You are going to be sure to put that report in?

Mr. Ferrari: Yes. I will put it in.

REDIRECT EXAMINATION

By Mr. Ferrari:

Q. Dr. Brown, I think there is a little confusion here about what a history is and what you do.

Mr. Howard seemed to have a difficult time on that. When we talk about a history, we mean a relationship, well, you tell me what is meant by a history with regard to a psychologist.

Fred Brown

A. Let me put it this way:

I am an examiner on the American Board of Examinations of Professional Psychology and Clinical Psychol-
page 188] ogy. We opened Mt. Sinai to the American Board of Examiners for such examination. I have made it a rule when these people have a PhD. plus five years' experience to come into a patient; they will not be given a history; they will give a statement of what the progress is, the diagnosis problem is. They are given two hours in which to examine the patient; the patient is taken back to the unit, and they have to prepare a report for the oral examination.

Q. Now I want to ask you to tell the Court why that procedure is followed, and whether it is the accepted procedure in your profession with respect to the work you do.

A. It varies considerably. There are some psychologists who will emphasize the interview and place little emphasis upon the test. There are others who get the fundamental information, as I did, her basic information, and emphasize the test battery in order to draw conclusions. In our hospital, which is one of the eight demonstration hospitals in the United States. *our* Institute of Psychiatry, the way we get — we get a referral and the statement about the patient's symptomology.

Now, a psychiatrist takes a history, because this is important to him, in arriving at some kind of diagnostic formulation based upon the patient's life history, observation, manner of expressing herself and so forth.

page 189] The case worker takes it, and her relatives, and even visits those in order to round out the picture because she is trained to sift out and tell the difference between an emotionally-laden biased statement and one that has validity, for he is trained to use a kind of touchstone or applying a side test. This is a valid statement in terms of its truth value, or is this an emotionally-laden, biased statement. There is a difference between the trained interviewer, the trained evaluator and the person who is getting information, who may accept it.

My function is not to do an interview. This has already been done by the psychiatrist who refers to me. The psychia-

trist wants information based on raw data, and we hope we will come out to the same place.

Q. You don't know whether you will?

A. I know on the basis of, general experimental basis, that we do come out to the same place. I may be able to go deeper. Sometimes I may not. The tests have their limitations but in any case of this kind, if I spend a lot of time — when I say I — as a clinical psychologist-diagnostician spend a great deal of time interviewing a patient, I am not — I am only walking in the footsteps of the psychiatrist and I will assume the psychiatrist is a resident physician, who is hospital trained to interview can do a better job than I can page 190] if I am going to duplicate his job, he does not need me, and there is no place for my profession.

RECROSS EXAMINATION

By Mr. Howard:

Q. Dr. Brown, I should have asked you this:

Again speaking about this letter, I think we should have identified the one who *itis* addressed to. It is addressed "Dear Jim." Who is that?

A. I don't know. It is before I saw the patient.

Q. You say very definitely it is recognized in all psychiatric circles a psychiatrist needs a full and complete history to determine what the problem is.

Mr. Ferrari: Your Honor, I object. Wait a minute —

By Mr. Howard:

Q. Didn't you testify to that a few minutes ago?

Mr. Ferrari: The question he is putting to him with respect to whether he put it —

Mr. Howard: I will withdraw the question.

By Mr. Howard:

Q. Didn't you testify, in answer to a question that Mr.

Fred Brown

Ferrari asked you that it was very definitely the practice of a psychiatrist to get a complete history from the person he was going to see, interview or consult?

Didn't you testify to that?

A. I don't know if I said complete history. He

page 191] depends on his patient's behavior, manner of expressing himself, and what the patient brings out in response to questions which involves a history, but at the same time there is a subtle difference. *Diagnostice* evaluation, that is going on at the same time.

Q. The psychiatrist does get history?

A. History, yes.

FURTHER REDIRECT EXAMINATION

By Mr. Ferrari:

Q. Doctor, you made it clear in your opinion this was the psychiatrist's function, the history?

A. Yes.

Q. Am I correct?

A. Yes. The psychiatrist does not use psychological tests. He works face to face, question-answer basis. The psychologist, who is a diagnostician, through the medium of test techniques, he may interview.

Q. Is that why you were asked to do what you did in there by Dr. Ogden?

A. Yes. I was asked to provide reply techniques and to make an independent evaluation, not based upon intensive interviewing. Where psychologists interview, these may be psychologists more oriented through the psychiatric orientation. I belong in the latter group. I am not a therapist. I don't do treatment.

page 192 The Judge: Are you through with the Doctor?

Mr. Ferrari: Yes, your Honor.

Mr. Howard: Yes.

The Judge: Doctor, you may be excused. The Court will recess at this time until 1:30.

(Whereupon, at 12:30 p. m., the hearing recessed, to resume at 1:30 p. m. of the same day.)

page 193]

★ ★ ★ ★ ★

FAITH N. OGDON

having been previously duly sworn, was called as a witness by and on behalf of the defendant, was examined and testified as follows:

DIRECT EXAMINATION

By Mr. Ferrari:

Q. Doctor, will you please state your name and address?

A. I am Dr. Faith N. Ogdon of 57 Hickory Lane, New Canaan, Connecticut.

Q. And will you tell us what particular branch of medicine you practice?

A. Child psychiatry.

Q. Will you tell us a little bit about your educational background and your experience?

Mr. Howard: Of course, Mr. Ferrari, I am willing to stipulate her qualifications.

Mr. Ferrari: I would like the court to hear the doctor's qualifications.

The Witness: A B. A. from Radcliffe. MD from Columbia Physicians and *surgeons* Medical School. Internship at Kings County. A residency in pediatrics at the University of San Francisco and in the Childrens' Hospital of Detroit. I was in the private practice of pediatrics for six years.

page 194] I worked for the County of San Diego, clinic in the schools and — well, maybe four years of residency and remained on the staff as instructor in child psychiatry for two years at which time I entered private practice in New Canaan.

By Mr. Ferrari:

Q. Where did you take your schooling in psychiatry?

A. University of North Carolina at Chapel Hill.

Q. I take it then you are a pediatrician, as well as a child psychiatrist?

Faith N. Ogdon

A. Yes.

Q. Now, presently, doctor, you are in private practice. Are you connected with any other organizations at this time.

A. I am on the staff at Norwalk Hospital at Midfield in Child Guidance and I am consultant in the Norwalk Public School system.

Q. In Norwalk Connecticut?

A. Connecticut.

Q. Now, doctor, you know the defendant in this case, Mrs. Gorman?

A. Yes, sir.

Q. Will you tell the court under what circumstances you had the occasion to meet with her and get to know her?

A. Mrs. Gorman called me about a year ago on the recommendation of Dr. James Miner, her pediatrician, page 195] because she was concerned about her son.

Q. And is that son's name Cameron?

A. Yes.

Q. Cameron Crounse?

A. Cameron Crounse.

Q. Proceed.

A. She wanted me to evaluate him from a psychiatric point of view. In doing this I saw Mr. and Mrs. Gorman and then I had two interviews with Cameron. Then I saw Mr. and Mrs. Gorman again to let them know what my opinion was and in the meantime I had seen Mr. Crounse for interview.

Q. I see. Now, you had occasion then to examine the child?

A. Yes.

Q. Can you tell us what you did about — How you conducted this examination and after you explain that give us your opinion and your findings with respect to the child?

A. Well, having gotten some of the background and history from Mr. and Mrs. Gorman, in dealing with the child my approach is to try and size him up as a person in his world today and how he operates and what some of his lines of thought are, as well as general level of intelligence.

Q. Is this what is known as a clinical evaluation?

A. It is a clinical evaluation by observing behavior, listening to the talk and paying strict attention to the page 196] relationship that develops between the child and me on these initial interviews.

Faith N. Ogdon

Q. And how long did this take?

A. About two hours; one hour each.

Q. Is this the standard procedure in your profession?

A. This is standard.

Q. I see. Well, after examining the child, did you come to any conclusions, any findings concerning his condition at that time? By the way, doctor, when was this?

A. It was last December.

Q. That would be of 1963?

A. Right. I found Cameron to be probably superior in intelligence. I found nothing wrong with his thinking process which means I did not feel he was psychotic. I did feel he was operating under extreme anxiety. An extremely sensitive child who reacted to all stimuli, which was something happening on the outside of him or whether it was something that happened on the inside, some idea, so that he operates mainly for the moment reacting to what is going on right now without too much attention to either past or future.

Q. I see. Now, is there a medical terminology that is used or definition for what you found? A condition?

A. We do have a diagnostic terminology. I classified him as anxiety reaction of a chronic nature in a child
page 197] with a hyperkenetic pattern. Hyperkenetic meaning always in motion.

Q. Is this classed as neurosis?

A. Yes.

Mr. Howard: As a what?

Mr. Ferrari: Neurosis.

By Mr. Ferrari:

Q. Now, doctor, would you tell us the difference between neurosis and psychosis?

A. The simplest one is in a psychosis the patient's thought processes are so disturbed they find it difficult to distinguish between reality and fantasy and in neurosis they always know what is real and what is fantasy.

Q. Did you feel that Cameron needed some form of treatment?

A. Yes, I did.

Q. And specifically what was that?

Faith N. Ogdon

A. I recommended psychotherapy, which I thought would be important to him at that time.

Q. Now, is there a particular type of psychotherapy that you recommended?

A. The therapy that we use with children, because I think you have got to remember that children are not primarily verbal. Their communications are in actions and behavior largely itself. It takes quite a few years to page 198] become verbal rather than active. Therefore, therapy is observing a child behaving. That is playing or not playing. One is as important as the other.

Q. Is this known as play therapy?

A. Play therapy.

Q. And you advised Mrs. Gorman of this?

A. Yes, I did.

Q. Did you advise Mr. Crounse?

A. Yes, I did.

Q. You had occasion to see Mr. Crounse, did you not?

A. Yes.

Q. Will you tell us when that was?

A. I think it was the end of November in '63.

Q. November in '63?

A. Or early December.

Q. I see. If you will, can you tell the court what transpired in that interview?

A. I don't quite know what you want me to tell you.

Q. Well, what was the purpose of the discussion?

A. Mr. Crounse, naturally was interested in what I thought about Cameron and I told him pretty much what I had told Mr. and Mrs. Gorman. I think this was his purpose. Mr. Crounse was concerned and he was wondering what to do.

Q. Now, did you make any other recommendations other than the therapy?

page 199] A. I did, because I felt that Cameron was somewhat immature for his age and I discussed ways and means of helping Mr. and Mrs. Gorman help him with this and also I felt that part of Cameron's difficulty at this particular time was his living in two very different worlds, so that he was one person in one and one person in another and he was confused with who he was and where he belonged or fitted.

Faith N. Ogdon

Q. When you say two different worlds, do you mean two different homes?

A. This is what I mean.

Q. Well, in regard to that, did you make a further recommendation?

A. I thought and suggested that if it was possible it might be helpful if his time was not so completely split between school in one home and vacation time in another.

Q. I see. Now, did you advise Mr. Crounse of this when he was there?

A. I believe I did.

Q. Did this involve the shortening of the vacation period during the summer?

A. This would involve this.

Q. I see.

A. And perhaps the juggling of other vacations.

Q. You mean like Christmas, Easter and so forth?

page 200] A. Yes.

Q. Did you suggest any specific time or amount of time?

A. No, I didn't have any specific time in mind, although a month occurred to me.

Q. Now, did you have occasion to — subsequent to this, did you have any occasion to see Mrs. Gorman again?

A. Yes.

Q. And will you tell us when that was and the purpose?

A. I saw Mrs. Gorman about a month ago because of what had transpired and I felt that I wanted to get a better *Idea* of what — how I saw her as a mother. And I had an interview with her and recommended psychological testing because these would be completely unbiased.

Q. It is true is it not, doctor, that I asked you to examine Mrs. Gorman?

A. Yes.

Q. The purpose in mind of eliciting, if you will, her emotional stability?

A. Yes.

Q. Particularly with reference to her adaptability as a mother, is that correct?

A. Yes.

Faith N. Ogdon

Q. And under these circumstances when you
page 201] are asked to do this, what procedure do you
follow?

A. I follow the procedure of a number — one or more interviews with an individual and putting it together with the result of the psychological testing. If we are going to do psychological testing, as well as, interview I feel that one interview is enough.

Q. Now, will you please differentiate between this interviewing and the psychological testing? Tell us the difference between the two?

A. A clinical interview is an evaluation of an individual. Trying to understand that particular individual. How they react and what they think about in dealing with their thoughts, their feelings and their actions.

A psychological interview is testing. Perhaps you could call it more objective, in that you follow certain tests that have been standardized and so that the answers can be evaluated and this without bias from the observer.

Q. I see. Now, to this end what did you do with respect to the psychological testing? Did you send Mrs. Gorman anywhere for this purpose?

A. Yes, I sent her to Dr. Brown in New York City.

Q. And you chose Dr. Brown?

A. He was recommended to me by a psychologist in whom
I have complete confidence.

page 202] Q. And did Dr. Brown send you a report?

A. Yes.

Q. With respect to his findings?

A. Yes.

Q. And did you have an opportunity to study this and go over this and so forth?

A. Yes.

Q. Now, doctor, are you qualified as a psychiatrist then to analyze the report of a psychological examination, put this together with your clinical analysis and then form an opinion?

A. Yes.

Q. Concerning the individual involved?

A. Yes.

Q. And is this what you did?

Faith N. Ogdon

A. Yes.

Q. In Mrs. Gorman's case?

A. Yes.

Q. Now, would you tell the court what your opinion was concerning her emotional stability and also in reference to her ability for motherhood?

A. I found that my impressions agreed with those of Dr. Brown's that there was no evidence of psychopathy, which means absence of conscience. There was no evidence of this. There was no evidence of psychotic thoughts.
page 203] There was a good deal of feeling. There is a good intelligence. There is — some perhaps call it signs of immaturity, but in no way unqualified as a mother.

Q. Now, to get back to the condition that the child, at the time you examined the child was suffering from, did you have occasion to read a report from an organization known as Aptitude *Associats*?

A. Yes,

Q. Was this given to you?

A. Yes.

Q. Now, with respect to the child Cameron, what did you find in that report?

A. I found that from their psychological testing they agreed with my evaluation of him. They however went on to, I might say, evaluate Mrs. Gorman without having seen her and recommended that Camie have no contact with her for two years. They went on to make some remarks about play therapy suggesting that a father or perhaps a mother could conduct play therapy as well as a psychiatrist, which made me feel they didn't know what this was all about. They also tended to take what Camie said literally. From some of their quotes about me they were not true which is par for the course for this age child.

Q. This indicates they accepted the reliability of anything he said?

page 204] A. I think it would. I personally would not believe him, not that he is telling a lie.

Q. Do you feel that his condition that you describe would be the basic cause of this?

A. Yes, it would.

Q. Now, what about a child of Camie's age not suffering

from this situation, what about statements made by him?

A. At this age some of this you expect. You don't expect a seven year old to make reliable statements that will hold good for the future.

Q. I see. Now, with respect to attempting to establish the cause of Cameron's condition, will you tell us as a qualified child psychologist what method you would use to attempt to reach such a conclusion?

A. I would want to preface it by saying that we psychiatrists don't know the cause of mental illness. Also, that if we knew the cause, the feeling and ideas the whole thing would be simpler. If I wanted to clarify what I really thought was going on, to get a better picture of what was making it difficult for Camie I would want to interview his mother and his father and stepmother and stepfather if they are in the picture. I would want to see him and I wouldn't feel qualified to say what the causes were until I had had him page 205] in therapy for a considerable period of time. I can make an assumption, but this is as far as I would go in an evaluation.

Q. Now, do you have an opinion, doctor, with respect to the condition of Camie being affected with respect to the changes in locale, where he stays? In other words, not necessarily from the standpoint of fitness of anyone now, but just in the fact he has to live in two places and in this regard if you do have an opinion, what if anything would you suggest concerning it?

A. About his living in two places.

Q. Yes, is this a problem?

A. This is a problem for somebody who is not sure of who he is, of his ownself and I strongly feel he would do better if he were oriented toward one home base rather than two equally.

Q. I see. Now, let me ask you this. Assuming that both the mother and father are fit people to care for their child and in this instance a child such as Cameron, his age and in his condition, do you have an opinion with respect to whom you feel such a child should be more permanently with?

Mr. Howard: Your Honor, I don't feel this is really a proper question. I don't think it's a fair question to this

witness. If I understand it correctly, are you asking her to express her own individual impression as to
page 206] who should have the child?

Mr. Ferrari: I am not asking her on anything legalistic. I am asking her as a psychiatrist, a child psychiatrist. There is a mother and a father. There is a child, a boy seven and a half years old suffering from the condition which she described. Does she have an opinion after I had laid the foundation that she advised that the child be with one or the other more permanently, with whom would she recommend he be more permanently with? I think I have laid the foundation for this, Your Honor. I think this witness is qualified to state her medical opinion.

Mr. Howard: If I understand the question correctly, he is asking her as a child psychiatrist to express a general opinion as to who a child should be with, assuming that both mother and father are in all respect qualified to have the child. Now, I don't think that is a proper question in this particular case. I don't have any doubt about what she could express an opinion on it. I don't think it's proper and I don't think it's fair in this case because here we have a child which everybody agrees is a very emotionally disturbed child. We have got a mother, who by the testimony of her own witnesses is a person who is insecure and immature. So, I don't think taking the general rule of thumb, as to the opinion she would give in a situation where all the factors are equal.
page 207] I don't think it has any place in this case and I object to the question for those reasons.

Mr. Ferrari: Your Honor, Mr. Howard is assuming that he has already decided the emotional stability of my client. I think that is the matter before the court.

May the witness answer the question, Your Honor?

The Judge: Well, the first part of the question. Do you have an opinion based upon the criteria that has just been given you?

The Witness: I do have an opinion.

The Judge: All right. The objection is overruled. What is it?

Mr. Howard: Let the record show an exception, please.

The Witness: In general and this opinion is based partly on the culture is that a young child is certainly better off

with the mother. Camie is in between, but he is still on the immature side and my feeling and I think it is a psychiatric feeling, the child is better off with a mother than a stepmother.

By Mr. Ferrari:

Q. Now, doctor, with respect to these two people, Mr. Crounse and the present Mrs. Gorman, can you give an opinion or do you care to express an opinion as to whom the child should be with?

page 208] Mr. Howard: Let me say this for the record —

The Judge: Objection is sustained.

Mr. Howard: She has already answered the last question that way.

By Mr. Ferrari:

Q. Let us put it this way. Doctor, could you give an opinion —

Mr. Howard: Now, Your Honor, I object to that. He is just trying to get in by the backdoor. What difference does it make —

Mr. Ferrari: Well, on this point, Your Honor, I am only asking the witness whether she could give an opinion.

The Judge: Give an opinion about what?

Mr. Ferrari: Concerning whom this child should be with, if she says she can. I know your Honor has rejected it and sustained his objection. I want to know if she could give an opinion.

Mr. Howard: The only thing she can say is yes and you can only draw one inference.

The Judge: Objection sustained.

Mr. Ferrari: Will you note my exception to that ruling, please.

I have no other questions at this time. Your witness.

page 209] CROSS EXAMINATION

By Mr. Howard:

Q. Dr. Ogdon, I see that your definition of psychosis and

neurosis was that psychosis is a break with reality, but neurosis is not. A person knows exactly what is going on. Just a question of whether he or she can control themselves?

A. I didn't add that last part.

Q. But that is true though is it not?

A. No, this doesn't always follow.

Q. Now, I want to know from you how long have you known Mrs. Gorman?

A. I first saw Mrs. Gorman a year ago.

Q. That is how long you have known her?

A. What do you mean by knowing her?

Q. In any sense of the word.

A. I have known her for the times I have seen her and from telephone conversations during the year.

Q. You first made her acquaintance in October 1963?

A. Yes.

Q. Now, do you know her husband, Mr. Gorman?

A. I met him at the same time.

Q. You met him at the same time?

A. Yes.

Q. Did you also meet the boy, Cameron at the page 210] same time?

A. Yes.

Q. Do I understand that the three of them came to your office at the same time?

A. No, that's not correct.

Q. In sequence who came there first?

A. Mr. and Mrs. Gorman. Then at a later time Cameron came and again later Cameron came and then I think Mr. Crounse came and then Mr. and Mrs. Gorman came.

Q. So, that in October of 1963, Mrs. Gorman and Mr. Gorman came to see you?

A. I thought it was November. You may be right.

Q. Oh, no, please excuse me. All right. In November of 1963, did either or both of them tell you at that time the purpose of their visit?

A. Yes.

Q. Would you mind telling me what that was?

A. It was — the purpose was to discuss Cameron, to give me some of his history and his background and describe some of his current behavior, so that I would have some fore-

knowledge for my evaluation of him.

Q. Then were they primarily at that time interested in having Cameron evaluated?

A. Yes.

Q. Did Mrs. Gorman at that time give you any
page 211] history at all?

A. Yes.

Q. Do you have your file with you?

A. Yes.

Q. Would you tell us what history she gave you about the child and herself?

A. I don't quite understand what you mean.

Q. Well, —

A. Do you want me to go from pregnancy through delivery through first year, second year of life?

A. Dr. Ogdon, if I had come to you and I have a problem and I want to consult you about it, you of course want to know the nature of the problem, isn't that true?

A. Yes.

Q. And don't you also take from me more or less a complete history as you feel it will apply to the problem involved?

A. Yes.

Q. And isn't that recognized very definitely in psychiatric circles as being standard procedure?

A. Yes.

Q. You did as a matter of fact take some history from Mrs. *Morgan,* did you not?

A. Yes.

Q. Because you wrote a letter. I think I should
page 212] let you see this first before I — I ask you to take a look at that?

A. Yes.

Q. Do you recognize that?

The Judge: Is this the copy to be introduced?

Mr. Howard: We can't refer to it except as a State's Exhibit yet except we know it's in.

The Judge: You have not had copies made yet?

Mr. Ferrari: No, I have not. When I went back to the office my secretary was out and I couldn't get any copies made.

Faith N. Ogdon

Mr. Howard: It's understood the copy will go in evidence.
Mr. Ferrari: Obviously.

By Mr. Howard:

Q. Dr. Ogdon, this letter of December 3, 1963, is addressed to "Dear Jim," was this written to a psychologist?

A. This was written to Jim Miner.

Q. This was written to Cameron's pediatrician?

A. Yes.

Q. This was written on December the third, 1963, and your recollection is you first saw Mrs. Gorman in November of '63?

A. Yes.

Q. And you saw Mr. Gorman at the same time?

page 213] Q. Then you saw Cameron. Would your records indicate when you saw Cameron?

A. Yes.

Q. Would you tell us when that was, please?

A. I saw Cameron on November 11th and November 13th.

Q. November 11th and November 13th. Now, when did you next see Mrs. Gorman?

A. On the 20th I saw Mr. and Mrs. Gorman.

Q. On the 20th of November?

A. Yes.

Q. Did you see either or both of them after that date?

A. No.

Q. Now, as of the date you wrote — doctor, would you say that one more time. Dr. Jim —

A. James Miner.

Q. Pediatrician. At the time you wrote Dr. James Miner, you gave him your impressions so far as both Mrs. Gorman and Mr. Gorman and the child were concerned?

A. And Mr. Crounse.

Q. And Mr. Crounse. Incidentally, although I don't have any objection to it, wasn't it understood that his contact with you was to be privileged, but you of course wrote Dr. Miner and didn't treat it that way?

A. I believe I did. I have not repeated what we

page 214] talked about. Only the result.

Q. Well, you of course attempted to evaluate

Mr. Crounse too in this letter to Dr. Miner, did you not?

A. Yes.

Q. You didn't have Mr. Crounse's permission to do that, did you?

A. Not written permission, no.

Q. All right. All right, now, when you wrote Dr. Miner you told him this about Mr. Gorman as stepfather.

Mr. Gorman is some older than his wife. A man who appears to be warm and affectionate, but sometimes finds it hard to deal with underlying hostilities which comes in the form of teasing or kidding.

Now, what history did you obtain from Mrs. Gorman or Mr. Gorman or the child that caused you to put this in the letter?

A. This was my clinical impression at that time. This is not a diagnosis. This is merely an impression.

Q. Well, you used the word impression, but isn't it correct that somewhere in your talks obtaining history from Mrs. Gorman or Mr. Gorman and/or the child there must have been something said by them to cause you to come to this conclusion?

A. Yes, perhaps.

Q. In other words, unless they had said some-
page 215] thing, meaning one of the Gormans had said something about him being hostile or resentful when somebody kidded him you would not have known it would you?

A. Hostile is my interpretation.

Q. Based on his attitude toward you when you were talking to him?

A. Based on my clinical impression.

Q. Well, the only way you could get a clinical impression is what he said or his attitude when you were talking to him?

A. His attitude perhaps. It's not necessarily what he said.

Q. Well, his general demeanor would certainly cause you to come to such a conclusion?

A. At that time.

Q. Now, you said a few minutes ago in answer to Mr. Ferrari's general question and you are as I understand it

a trained child psychiatrist, that you feel in this case that the child should be with the mother because there is a stepmother involved.

A. In general.

Mr. Ferrari: I object your Honor, I don't believe that was what the question was. Isn't this the question you objected to?

The Judge: I think the witness has answered
page 216] the question by saying generally.

Mr. Ferrari: That's how I understood it, Your Honor.

Mr. Howard: I will stand by the record on this.

The Judge: I mean we haven't anything before the court. The witness has now answered your question and you have another question. Let's go.

By Mr. Howard:

Q. Well, now I assume in your practice you have come in contact with many, many situations where stepmothers are involved?

A. True.

Q. And I am sure you have found children in homes with stepmothers that have made excellent adjustments, have you not?

A. Sure.

Q. Now, of course, Mrs. Gorman has remarried, so this of necessity makes Cameron in that home have a stepfather and I guess you recognize the fact that in many stepfathers there is a sense of hostility and resentment toward a child, isn't that true?

A. Sometimes.

Q. And isn't it correct, it's because of the impression you got of Mr. Gorman in that respect that you used this language,

that he has this underlying hostility that comes
page 217] out in the form of teasing or kidding?

A. I think you are putting words in my mouth. I don't know Mr. Gorman that well to be able to say it's because of having a stepchild.

Q. I don't say you do. And you have admitted your putting this in the report you sent to the pediatrician?

A. Yes.

Faith N. Ogdon

Q. Now, when you were getting this history from Mrs. Gorman about what the child did at a young age and the difficulties between Mrs. Gorman and her then husband, Mr. Crounse, about the child, did you — you didn't get all the history or have you got all the history in this letter that you got from her?

You have in this letter of December 3rd, certain history relating to the child Cameron at the time the child Cameron lived with Mrs. Gorman, who was then Mrs. Crounse and her husband. Now, does this letter, again which we are referring to. We will get the exhibit number later. Exhibit blank, does it contain all of the history you got from Mrs. Gorman concerning the conditions under which she as Mrs. Crounse lived with her husband and young Cameron?

A. Probably not.

Q. Probably not?

A. A considerable amount I considered confi-
page 218] dential.

Q. Pardon me.

A. A considerable amount of history I considered confidential.

Q. Do you have that confidential history today?

A. Yes.

Q. Well, would you tell us what history you got from Mrs. Gorman that enabled you to reach this conclusion that you didn't submit?

A. Conclusion on what? I don't follow you.

Q. Well, you made an evaluation of the boy Cameron, did you not?

A. Yes.

Q. And you also gave this pediatrician an impression with relation to Mrs. Gorman as well as to Mr. Gorman?

A. Yes.

Q. Your impression and your diagnosis I assume were predicated upon history you got?

A. These are two different things, impression and diagnosis. I evaluated the child as completely and possibly as I thought necessary at the time. I diagnosed him in talking about him to his parents. I merely got impressions of the parents which I am not prepared to substantiate, because I didn't diagnose them at the time.

Faith N. Ogdon

Q. You have already said you got certain history from Mrs. Gorman with reference to the circumstances
page 219] under which she lived with Mr. Crounse?
A. Yes.

Q. And you have already said that all of that history is not in this report that you submitted to her pediatrician?

A. Most likely not. I rarely put it all into the letter to the referring physician.

Q. Trying to tie them up with your diagnosis of Cameron?

A. And give the pediatrician some ideas in dealing with the child.

Q. Now, let me ask you this. Did you get any history from Mrs. Gorman who was then — well, when she was Mrs. Crounse, did you get any history from her with reference to statements that she made to her husband, who was then Mr. Crounse, to the *a*ffect that housework was *replusive* to her and she refused to do it and that was a part of the arrangement they had when they were married?

A. Well, —

Q. Excuse me, let me follow it on through and that on two separate occasions she in a frenzy had pulled the baby's arm out of place?

That on one occasion when they, meaning Mrs. Gorman then Mrs. Crounse, were living in Charlottesville he returned from Philadelphia at approximately 2:00 a.m.
page 220] where he had been on a debating trip with the University of Virginia team, he found his wife in front of their home in Charlottesville. She was intoxicated. She had the young baby in her arms. There were a group of people around her. At that time she flew into a rage and became very angry, started cursing because her then husband, Mr. Crounse, refused to go out to a bootlegging joint or some comparable place and get additional whiskey.

That on another occasion when they were attending a theater in Charlottesville, which by local law down there was segregated, she became insulted and enraged because her then husband, Mr. Crounse, suggested that they should sit in the area reserved for the white people rather than the colored people.

That while her husband was in Roanoke for the Bar examinations that she had an affair in Charlottesville with a

mutual friend of theirs and that when he returned from taking this Bar examination she informed him that she had only stayed with him through that. That she wanted to leave. She was leaving. Insisted that he go to a firm of lawyers in Charlottesville to discuss divorce which he did do. And she while in the office of the attorney became very offensive to the attorney and created a scene because the attorney informed her she had no grounds for divorce in his opinion.

page 221] That when the child was one and a half years old that she left the child and her husband and went out to work for some magazine.

That on at least one occasion when she was visiting in her father-in-law's home, Mrs. Gorman then Mrs. Crounse, she began cursing and called him a son of a bitch.

And on one occasion she was visiting with her husband in the home of friends in Florida, by the name of Frizell, she became enraged and angered because a question again came up concerning segregation and that while she was living with her husband in New York and the baby of course, in the apartment, that she insisted that she be permitted to go with other men and said this might help her do a better job as wife and that she actually did while living with her husband have dates with other men. Actually, they came to the apartment to get her and take her out. Did she give you any part of that in her history?

A. Some part of it.

Q. She did give you some part of it?

A. Yes.

Q. Did she give you as much as say half of what I told you?

A. I would say.

Q. Did she specifically tell you of having pulled the child's arm out of joint?

page 222] A. I don't offhand recall this.

Q. Did she tell you about going off and leaving her husband and her child when the child was one and a half years old?

A. She gave me enough to understand that this was a very mixed up picture in her life.

Q. Did she tell you while living with her husband in New York City she went out with this other man in New York

Faith N. Ogdon

City who would come to get her?

A. Yes.

Q. Did she tell you about the adulterous act in Charlottesville?

A. Yes.

Q. She told you about that?

A. Yes.

Q. As a child psychiatrist do you have an opinion with reference to how important it is to the future of a child to be identified with the child between the ages of one and three?

A. To be identified with the child?

Q. With the mother. I am sorry, with the mother.

A. It's important to be identified with both mother and father. Mothers particularly up to about one.

Q. And from then on with the father?

A. Well, no, both.

page 223] Q. Well, in the history that you got from Mrs. Gorman, did she tell you that for almost three years or better after this child was born that Mr. Crounse took care of the child almost exclusively. I mean to the point where he changed the diapers. He did the washing and ironing for the child and cooked the meals and was in affect a baby-sitter for the child?

A. It didn't come out quite that way. It's written in my letter. The impression was that Mr. Crounse took these *thing* over until Mrs. Crounse could get them back or interfere.

Q. In other words, you got the impression that Mr. Crounse did all these things but that he did them more or less —

A. Against her will.

Q. Against the wishes of his wife. He just simply said, "I am going to do them. You are not going to do them?"

A. Yes.

Q. She never did tell you that she didn't like housework or she didn't want to do any housework and she wanted to get away from her husband and her child and make a new life for herself?

A. No, she did not tell me this.

Q. Now, you say that in your report to Dr. — the pedia-

trician?

page 224] A. Miner.

Q. Dr. Miner, that you — this again, of course, I submit is impression not diagnosis, this is what you said about her December 3, 1963, "Mrs. Gorman is very insecure and immature. Continually being buffeted by ambivalent feelings towards Cameron."

Let me ask you this. Ambivalent feelings against Cameron, do you mean feelings that go and come?

A. Ambivalent means feeling one way or feeling another way.

Q. Right. This means — does it mean it's over a period. Some feeling this week or day or next week and the following week you have got entirely different feelings?

A. I don't know as it goes by the week.

Q. I don't know either, ma'am.

Ambivalent feelings, would it be fair to say, what you were try to convey to the pediatrician, that Mrs. Gorman feels kindly toward the child and wants to do what is right for the child and other times when she doesn't?

A. There are times — this goes along with the insecurity. Sometimes she felt she didn't know what to do with the child. Other times she felt more secure and naturally when she doesn't know what to do with the child she is going to be nervous and irritable. And this type of child can rouse these feelings.

page 225] Q. You use these ambivalent feelings — what you in affect were saying was she just didn't feel capable of coping with the situation as far as Cameron was concerned, is that correct?

A. Felt *inscure* in her handling.

Q. Wouldn't that mean the same thing?

A. Not to me, no.

Q. If she feels insecure doesn't she have the feeling she can't cope with it?

A. Feeling incapable is far from being just unsure of it.

Q. If she had a feeling of insecurity that made her feel she couldn't handle Cameron?

A. That she didn't quite know what to do with him at times.

Q. Didn't know what to do with him. Other times she did?

A. Yes.

Faith N. Ogdon

Q. Now, then you went on to say my own feeling was that her own feeling was she was not a success in any way. By that did you mean she was not a success as a mother?

A. No, I meant there at that time she was somewhat depressed, feeling the way depressed people do feel, not much good at anything.

Q. You haven't seen her since December 1963, have you?

page 226] A. Yes, I saw her a month ago.

Q. A month ago?

A. When I talked to her.

Q. That was the first time you had seen her since December 1963?

A. Yes.

Q. When you talked to her a month ago you didn't attempt to get any additional history?

A. Yes.

Q. You did?

A. Some of her own personal background. More of a — perhaps not a diagnosis, but something more than clinical impressions.

Q. Was this when you got some of this history that I related to you?

A. Yes.

Q. You didn't have this history when you wrote this letter in December 1963?

A. Some, I did.

Q. Some, you did not?

A. Because I was interested in the child. I was not interested in every detail of the married life.

Q. Of course you were interested in the details of the married life that might qualify her as a mother?

A. Yes.

page 227] Q. Was this history you got from her when she came back to you about a month ago, did you feel that any of that history she gave you had any significance as far as her qualifications as a mother goes?

A. It didn't change my opinion.

Q. You had not rendered any opinion when you wrote this report back — this letter back in December 1963, had you?

A. I didn't put it down, no, but I do not recall feeling that

she was an unfit mother.

Q. No, I didn't say you said that either. You didn't express any feeling one way or the other with reference to her qualifications, did you?

A. I didn't write it down, no.

Q. You did say, as I said before, that she was very insecure and very immature?

A. Yes, I did.

Q. Now, you don't feel that a person, speaking as of December, that she is a very insecure person and very immature and you don't feel that has any bearing on the question, whether or not the father is involved, that she could handle the child as well as the father could?

A. I feel that she could since my feelings were pretty much the same about Mr. Crounse. But I think that Dr. Brown has amplified some of these things in his report.

page 228] Q. What?

A. Dr. Brown amplified some of these things in his report.

Q. I am speaking of December 1963, when you said that your impression was she was insecure and immature and had this feeling of insecurity from time to time about being able — toward Cameron, you don't feel that in any way affected her qualifications as far as having supervision of the child is concerned?

A. No, I didn't. I didn't feel it made her unfit or would make her unfit.

Q. When you use the word unfit —

A. I didn't feel this made her a poor mother. I didn't feel this necessarily made her a poor mother.

Q. Would you say whether or not, just based on what impressions you gave in December 1963, would that in your opinion have any affect at all on determining whether or not she could, because of these disturbances have given the child the attention that was required?

A. Certainly she could. I have known a good many fairly ambivalent mothers that make very good mothers and supervise their children very well.

Q. You feel it didn't affect her qualifications as far as a mother was concerned?

Faith N. Ogdon

A. No.

page 229] Q. She came back to see you about a month ago?

A. Yes.

Q. Now, what was her condition then, with reference to insecurity, immaturity and this feeling she had towards Cameron?

A. I felt then that she was a more secure person than in December and less ambivalent.

Q. How long did you talk to her that time?

A. About 60 minutes.

Q. About 60 minutes. And she came to you at that time primarily for the purpose of having you refer her to a psychologist, is that correct?

A. This had already been done.

Q. This had been done?

A. She had been referred for psychological testing.

Q. To Dr. Brown?

A. To Dr. Brown.

Q. What was her purpose in coming to you a month ago?

A. Because I wanted to know a little bit more about her since I was going to be asked about her.

Q. At that time did you have the benefit of Dr. Brown's report?

A. No, no.

Q. Have you seen Dr. Brown's report?

page 230] A. I have seen it since then, yes.

Q. And do you *consture* it as a situation where Mrs. Gorman still has problems, but she is doing the best she can to overcome them?

A. Yes.

Q. What problem do you feel she has at this time?

A. I was wondering if I am the one to be diagnosing Mrs. Gorman?

Q. Well, I don't know. You said you had her come back to you or she came back to you and you wanted to know more about it. I am just asking you — you want to call it impression. What impressions do you now have of her problem? What impressions do you now have as a psychiatrist about her problems? You recognize the fact she has problems don't you?

A. Yes, I recognize that many people have problems.

Q. I am sure you are right there, but we are only talking now about Mrs. Gorman. Now, what problems does she have now?

A. I would say she has a problem of some anxiety. She has a problem of occasionally being somewhat on the *implusive* side and there are areas in which she could be a little more mature.

Q. And now, isn't it true that from all the history that you got from her, plus what I have told you today,
page 231] that history is compatible with the findings made by Dr. Brown and yourself?

A. I would say we agree.

Q. Within reason, is it not?

A. Yes.

Q. Now, did you — do you know a Dr. Schiller?

A. Yes, I do.

Q. Did you ever refer either Mrs. Gorman or Cameron to a Dr. Schiller for any evaluation?

A. I referred Cameron to Dr. Schiller.

Q. Now, when did you refer Cameron to Dr. Schiller?

A. At the time I last saw Mr. and Mrs. Gorman back there in November of '63, when we discussed therapy and where and how and who.

Q. Is that when you referred Cameron to Dr. Schiller in '63?

A. This was one of the possibilities that we discussed, the three of us.

Q. Do you know whether he was examined by Dr. Schiller?

A. Yes, he was. He was psychologically tested.

Q. Do you know whether he was examined by Dr. Schiller in March of '64?

A. That was when it was I think.

Q. In March of '64. Now, as of March of '64, he had been almost continuously in the home of the Gorman's
page 232] since September of 1963, with the exception of a few daily, weekend visitations, isn't that correct?

A. I am not sure. I had no contact at that time.

Q. You didn't get that in the history from Mrs. Gorman?

A. I don't know what happened after I last saw them between November of '63 and March of '64.

Faith N. Ogdon

Q. Well, how does it happen that you waited from the middle of 1963 to March of 1964, to refer this boy to a psychologist if you had not seen these people?

A. I did not wait. When I saw Mr. and Mrs. Gorman in November of 1963, we discussed who and where and how to get this psychotherapy for Cameron and I recommended Dr. Schiller as being a competent psychologist, as well as a clinic at Silver Hill and I think we discussed other people too in the area, but I was not to call up and make an appointment for him.

Q. You did not send him direct to Dr. Schiller yourself?

A. I suggested they contact him.

Q. Well, did it ever come to your attention that they had taken him to Dr. Schiller?

A. Yes.

Q. How did you know that?

A. I think Dr. Schiller sent me a copy of his findings.

page 233] Q. Now, isn't it correct — Or do you have his report in your folder there?

A. Yes.

Q. Do you want to get it out a minute, please? Now, do you have it before you, ma'am?

A. Yes.

Q. Isn't it correct, based on the examination he made on March 8, 1964, he told you it was his opinion that Cameron is a severely disturbed youngster, who without psychotherapy will experience increased problems in living?

A. That's what he wrote.

Q. Assuming, that I told you, that from September 1, 1963 to March 8, 1964, Cameron had not been in the custody of his father more than a complete week — more than a complete week or maybe more —

Mrs. Gorman: One weekend in October and Thanksgiving and Christmas. Say one week to ten days.

By Mr. Howard:

Q. Dr. Ogdon, you of course have complete faith and respect for Dr. Schiller's opinion, do you not?

A. Yes, I do.

Faith N. Ogdon

Q. Now, assuming that the evidence in this case is that between September 1, 1963 and March 8, 1964, Cameron had not been with his father more than a total of 12 days, do you feel that as a psychiatrist or would you care to
page 234] express an opinion as to whether or not, either that 12 days he had been with his father or the previous summer visitation would cause him to be as severely disturbed as Dr. Schiller says he was?

A. No, I don't see any connection.

Q. Isn't it true Dr. Ogdon, as a child psychiatrist isn't it true that there are many children who find themselves in a situation comparable to that which Cameron finds himself?

A. There are some.

Q. As a matter of fact wouldn't you go as far as to say there are many in this day and time?

A. All right.

Q. Well, of course, I as a layman have always said and you say, of course you are far better trained than I am, it's always bad when you have got a situation where a child is being shunted from one home to another for some period of time. There's no question about that is there?

A. This isn't the best thing, true.

Q. It definitely has some affect on the most normal child?

A. I would think so.

Q. So that it isn't anything unusual for a child to visit with one or the other parents and then when he
page 235] goes back to the home in which we might say he is more or less permanently living he has got to go through a certain readjustment period, isn't that true?

A. It would depend on the circumstances and the child, yes.

Q. Let us suppose it is the most perfect child as you can get, would he not have some readjustment period when he gets back in that home?

A. Perhaps.

Q. But, if he goes back in a home where you have got a person that, as you say is insecure, immature and a person who still, according to Dr. Brown and yourself has problems, it's much more difficult for him to adjust in that home?

A. In this particular case?

Q. Yes.

A. I don't feel that way, because I don't see much difference in the homes in that respect.

Q. Well, you have never been in the home occupied by Mr. Crounse?

A. I have never been in Mr. and Mrs. Gorman's home either.

Q. Do you feel Mr. Crounse is an insecure person?

A. On the same basis that I got a clinical impression of Mr. and Mrs. Gorman I got one of Mr. Crounse.

page 236] Q. I asked you specifically.

A. It says so in the letter.

Q. Do you consider him as of that one time you saw him that he was an insecure and immature person?

A. I would say so. I haven't seen anything to change my mind.

Q. Well, what did you base that on?

A. Clinical impression.

Q. Well, can you tell us anything he said to give you that impression?

A. No, I can't, because —

Q. Well, let me ask you this. He was very definitely concerned about Cameron, was he not?

A. Yes.

Q. That didn't give you that impression?

A. No.

Q. He told you of course it had been brought to his attention that Cameron was a very emotional child? He told you that didn't he?

A. I think so.

Q. Well, now, I don't want to put words in your mouth, ma'am, because I think it's important. Doctor, do you have your records there?

A. Yes.

Q. Do you want to —

page 237] A. In other words, to make me able to draw this impression of Mr. Crounse?

Q. I am asking you from what Mr. Crounse told you, isn't it true he had told you he had been informed by his wife that Cameron was giving them a lot of problems?

A. Yes.

Q. As a matter of fact this is the way he came to you be-

cause his wife told him about you? Didn't his ex-wife?

A. Yes.

Q. Didn't he tell you he understood the child was causing a lot of disturbance in the school and the teacher couldn't handle him? He told you he was worried and concerned about the child, did he not?

A. Yes.

Q. And you told him you wouldn't undertake to say that the visits the child made to Mr. Crounse was responsible for that condition?

A. That's right.

Q. And of course you couldn't possibly say that?

A. Since I don't believe this is the cause.

Q. And all right, now, isn't it true that at that time he indicated to you that because of his concern and worry about the child's condition that he was thinking seriously of going into court to try and get custody himself?

A. I am not sure whether he told me that or I page 238] picked this up.

Q. You got that impression from him too, did you not?

A. Yes.

Q. You found him according to this letter that you wrote to Dr. Miner, this is what you said. I guess this was an impression too, I suppose? I found him to be very dependable. Do you have any question in mind about that?

A. I think I said he was dependable.

Q. Would you like to see your letter?

A. I know I said he was dependable.

Q. I think you said he was very dependable. Do you want to look at it a minute? Is it correct you said he was very dependable?

A. I don't see where it is.

Q. Maybe it's me, excuse me.

A. Yes, very dependable and logical and with a good deal of immaturity.

Q. Found him to be very dependable and logical and a good deal of immaturity. Now, what did you — Do you recall what it was he said to you that made you get the impression he was immature?

A. These are very difficult things. These are largely not

what people tell me. This what I get through the training I have had. Of what I am looking for.
page 239] The way people develop relationships and the attitude they assume.

Q. Now, what did you mean by this: "I think much depends on Mr. Crounse, who is now supposedly thinking the situation over and I expect we will hear from him sometime in January." What did you mean by that?

A. When I recommended psychotherapy the question of finances came up and whether this could be done on a private basis rather than on a clinical basis. Which costs more. I think we discussed some of this. Whether to go along with it or not go along with and Mr. Crounse, at least my impression was, left saying I will be in touch with you in January, because I want to think it over and let you know how I feel about therapy.

Q. When you say go along you are speaking of finances?

A. And agreeing with it as well as financially. If Mr. Crounse said, I forbid this child psychotherapy I am not sure I could see this child.

Q. Now, Dr. Ogdon, you are under oath in this court and you don't want to convey the idea that he indicated to you he would forbid the psychotherapy?

A. No, not at all.

Q. If he would go along with it —

A. He simply said, I want to think things over and I will let you know in January. And I thought this was
page 240] very reasonable.

Q. Now, Dr. Ogdon, wasn't it true you were discussing money with him for this child?

A. By whom and where.

Q. And the Gormans' hadn't said anything about this psychotherapy treatment, had they?

A. I think they said they would be willing to pay the bill if Mr. Crounse wasn't.

Q. If Mr. Crounse wasn't. Did you tell Mr. Crounse what it would cost a month?

A. I think I did. Maybe not.

Q. The real thing he told you, as far as, thinking things over, he was going to make a decision — he was going to make a decision as to what he should do to protect his child,

isn't that correct? Knowing that this child from what you, from what Dr. Brown, from what Dr. Schiller, from what the mother, the teacher and everybody else said about the child being an emotionally disturbed child, wasn't it?

A. Yes.

Q. This was his real concern and this was his real worry?

A. Yes.

Q. And that he made it perfectly plain that was what he was going to do to protect the child?

page 241] A. He was going to let me know what he wanted.

Q. Is Dr. Schiller going to be here today?

A. I don't think so.

Q. Let me ask you this. Was there any particular reason why you didn't send Mrs. Gorman to Dr. Schiller when you wanted to have her evaluated?

A. Because I wanted somebody with unquestionable credentials. Dr. Schiller was a perfectly good psychologist, but he doesn't have initials.

Q. As a matter of fact you knew and Mrs. Gorman made it perfectly plain to you she wanted to bring that person into court, didn't she?

A. I am not sure that I understood this. Maybe she did. I am not sure. I didn't understand it.

Q. The only reason you didn't send her to Dr. Schiller, you felt Dr. Brown was better qualified to make the evaluation?

A. In terms of letters.

Mr. Howard: All right your Honor that's all.

I just want to be sure. We have never yet put in evidence that report.

Mr. Ferrari: Of whom?

Mr. Howard: Dr. Brown's. You said that was going in.

Mr. Ferrari: As soon as we are finished I am

page 242] placing it in evidence. Are you putting it in?

Mr. Howard: I have already said I want it put in.

REDIRECT EXAMINATION

By Mr. Ferrari:

Q. Now, when you were having your interview with Mr.

Crounse, doctor, did he also give you some history concerning the life of Cameron when he and Mrs. Gorman were Mr. and Mrs. Crounse?

Mr. Howard: I am sorry, I missed that question.

By Mr. Ferrari:

Q. I said, did Mr. Crounse give you some history when you were interviewing him or when you were talking to him relative to Cameron's life when he was married to Mrs. Gorman?

A. Very little. I didn't actually ask him for it.

Q. I see. Did he give you some?

A. He gave me some. Mostly we were talking about Cameron and what to do now with Cameron.

Q. What did he say about your suggestion to shorten the summer visitation?

A. He said he would think about it.

Q. He didn't make any decision?

A. No.

page 243] Q. Now, you did not say that the summer visitation was the cause of this condition in Cameron, did you?

A. No.

Q. As a matter of fact did you tell him at all what you felt the cause was?

A. No, because, I felt I didn't know what the cause was. I didn't know Camie that well. I may have given him some of my assumptions.

Q. Then what was the purpose of your suggesting that there be a shortening of the visitation period?

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page 244]

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DONALD CAMERON CROUNSE

having been previously duly sworn, was called as a witness by and on behalf of the complainant, was examined and testified as follows:

Donald Cameron Crounse

DIRECT EXAMINATION

By Mr. Howard:

Q. Will you state your full name, please?

A. Donald Cameron Crounse.

Q. And Mr. Crounse, where do you live?

A. Presently I reside at 801 Santayana Drive, Fairfax, Virginia.

Q. You are a practicing attorney in the State of Virginia?

A. Yes, sir.

Q. And have been for how long?

A. I was licensed in June of 1959.

Q. And you maintain an office at this time where?

A. Yes, I have a private office in the city of Fairfax and I have been with the Commonwealth Attorney's Office of that county for a little over three years.

Q. Mr. Crounse, just briefly tell us about the exterior and the interior of the house where you now live?

A. Yes, sir. The home is a colonial, split level on one half acre of ground, wooded but cleared. The living —
page 245] on the first level, where we have what we call the living room, dining room and a kitchen. On the lower part of the split level we have a den or bedroom, which we use as a bedroom, a big recreation room and a laundry room and a bath. On the upper floor above the recreation room we have three bedrooms, a master bedroom with adjoining bath and a hall bath and what you might refer to as a guest room and a smaller room. So, there are three bedrooms upstairs and in size, master bedroom and guest type room, smaller than the master bedroom, but larger than the third bedroom up there which we use for the baby, Brian Crounse.

Q. Now, what is the name of your wife?

A. Sandra Murphy Crounse.

Q. And who lives in the house other than your wife and yourself?

A. Brian, my youngest son, who was born on December 17th of last year, who occupies a separate room. Cameron, my oldest son, who occupies his own room which we recently furnished completely and Andrew Frizzell, who is my godson who is temporarily with me until probably about January.

Q. Now, does Cameron go to school?

A. Yes. He goes to Ascension Academy which is on Braddock Road in the city of Alexandria.

Q. Who, if anybody, is at home to supervise him when he comes home from school?

page 246] A. My wife, Sandra, is there everyday that he comes home. He arrives at the house — we have — I have been there — I have been there on some — on a couple of occasions when he comes home. He is home, oh, approximately 4:45. Sometimes a quarter of four. We have a car pool we have arranged for him. He is out of school at 3:00 o'clock. She is there until I come home. She is there, of course, all the time, but when I come which is about 5:00 o'clock.

Q. Now, Mr. Crounse I will hand you two photographs and ask you if you can tell me what they represent?

A. Mr. Howard, the first photograph is a picture I took myself. This photograph was taken approximately around December — no, probably around February of 1961. It reflects the home which I now reside in.

Mr. Howard: Your Honor, we would like to offer this. Any objection to this?

Mr. Ferrari: No objection.

Mr. Howard: Complainant's Exhibit No. 2.

The Witness: This photograph was a picture that was taken by my wife of fairly recent origin. I think it was last spring of my son and myself, the house and the pet.

Mr. Howard: I would like to have this marked Exhibit No. 3.

page 247] By Mr. Howard:

Q. Now, Mr. Crounse, how long has your son Cameron been living with you?

A. Since he has been at my home this time continuously?

Q. Yes.

A. Since the 30th of June of this year.

Q. And prior to that, did he make periodic visits to the home?

A. Yes, sir. He was — Well, since 1960, I believe, he has been at my home every Thanksgiving, during the Christmas vacation period at one time or another, either at Christmas

or after Christmas for five days and he has been there for sometime, for some period, approximately seven days during spring recess or at Easter.

Q. Now, when he came there in June of 1964, as best as you can, would you based on your observations describe to the court what his general behavior was?

A. Yes, in June or let's say it was the last day of June practically, he was very nervous and when I say nervous, he was perhaps restless would be a better term. Extremely tempermental. He would have difficulty to keep concentrating on any one particular project that I might give to him. His general deportment around the home was, I would say, very poor. He would — You tell him to do something and he would either give the impression he didn't

page 248] hear you or if you repeated it he would ignore it. If you asked him to do something, nine times out of ten he would start explaining to you why he shouldn't do it. In other words instead of going ahead and doing it. I would say his eating habits were again very poor. His habits were — he didn't have any manners at the table. When he would go to sit down at the table he would sit on one leg or he would — something came into the room or anybody came into the room he would get up from the table and he wouldn't excuse himself.

Again, he had this problem of stuffing food into his mouth, sometimes eating with his fingers. I don't mean picking up a piece of bread, I mean picking up vegetables. This was apparent to me at — in the first part of July. I would say — well, it was outstanding his behavior from this aspect.

Q. As of today, bearing in mind the various things you have told us about, what would say is his condition?

A. I would say it was considerably improved. I would say that this may be for a number of causes, but he — I don't have any problem to — my — I believe I would know about it if Sandra had any serious problem about telling him to do something. He minds immediately. There is no, if I may coin a phrase, "back talk" about it. When he comes to

page 249] the dinner table he sits down. His deportment at the table is extremely — has improved extremely well. He conducts himself as a gentleman. A fine little boy now at the table. Of course he in play he is all of the — he jumps

around like any young boy would at that age.

He is excitable. He is still to some degree an excitable youngster. I would say, as far as helping round the house he does all these things. He has things he has to do. He, as a matter of fact, he enjoys it. He will ask me if he can help. He helps me with projects around the home. He plans things we can do around the house in the future. I would say all in all he has improved considerably.

Q. When he came there the first of July 1964, what religious training did he appear to have?

A. Well, this came to light when we started — I asked him if on Sunday, the first Sunday after he was here we went to church. We took a little walk alone and I was discussing with him, you know, religion, that is what he had learned in school about God and Jesus and things of that nature and did he learn any prayers and I asked him if he had learned any prayers, bedtime prayers? No, he hadn't. I asked him if he had learned any prayers to say at the table? No, he hadn't. Then I asked him about the Bible. He said, "Oh, he learned about Noah's Ark and those kind of stor-
page 250] ies. I asked him, "Have you heard of the Ten Commandments?" And he hadn't heard of the Ten Commandments. And I asked him if he went to church up there and of course he indicated and I am sure his memory isn't the greatest, he had been to church up there. He had been to Sunday School, I believe. Then I just dropped the subject with him.

Since then, of course, I have seen to it that he got some religious instruction and it's quite a different picture. He says the evening meal blessing, not every night, of course, occasionally. He now takes an interest in religion. He is learning his catechism. He has taken an interest in learning prayers. He has taken a real interest in church and the Commandments and what they mean. And he has really taken an interest in it.

Q. Does he have any homework at the school he attends?

A. Yes, sir. His teacher sends home or they copy down from a board an assignment sheet each evening and he has, I would say, approximately an hour to an hour and — I would say about an *hours* homework.

Q. Do you have any problem having him do that homework?

A. At first. A couple of weeks, but after that he comes home and of course I sit down with him if I am there and most of the time I do and go with him through

page 251] the homework. Not that I tell him the answers. I am there if he has got any questions. He comes in now, at least in the past two or three or four weeks, and goes right to his desk or to the kitchen table if I am not there with Sandy and does his work. When I come home, if I am not there when he starts it I will go over the work with him and correct it and ask him to point out the mistakes he has made and ask him if he understands it in the various subjects he has which include, Miss Wong, has testified, English, Arithmetic and spelling. Of course there is some religion, geography and science to a small degree.

Q. Now, do you have any problem in the evening having him go to bed at the proper time or getting up in the morning?

A. No problem in the evening. What we attempt to — We plan to have Cameron in bed and he has been on the schedule — At first we had a little problem with him, but he is in bed at 7:30, bathed. He has *dinished* his homework. He has played awhile and he is in bed at 7:30. Now, there have been a couple of special occasions where he has stayed up later.

Q. Does he have any playmates in the area, as far as you know?

A. Oh, yes, there are several families. The two

page 252] people across the street have young children his age and he plays with them. On the other side, two doors on the other side of Mrs. Rigoulot there was a family there. They recently moved out. He played with them until they did. And he has some people up the street. This subdivision has a lot of children in it.

He either visits their home — he is usually out on his bicycle; goes up and gets the children, brings them back. Sometimes in inclement weather they go into the house.

Q. From your observations would you say he gets along —

Miss Harrison: This is Mr. Howard's primary witness. I do not wish for him to continue leading the witness.

Mr. Howard: I guess I am guilty of that Your Honor.

By Mr. Howard:

Q. Mr. Crounse, let me ask you this. You were formerly

married to Aneen Parker Gorman, is that correct?

A. That is correct.

Q. And you all separated approximately when?

A. The latter part of February. I guess it was February 28, 1960.

Q. Where were you living at that time?

page 253] A. 76 Remsen Street, Brooklyn, New York.

Q. And did there come a time when a divorce proceeding was filed in this court?

A. Yes, sir, the Bill of Complaint was not filed or was filed by my counsel at that time, my best recollection is in October of 1960.

Q. Now, prior to October of 1960, without going into any details, had there been any conversation between your then wife and yourself about a divorce?

A. Oh, yes.

* * * * *

page 255]

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By Mr. Howard:

Q. Now, Mr. Crounse, did there come a time when you had reason to believe that your son Cameron was having some problems, emotionally speaking?

A. Yes, sir.

Q. How and when did this first come to your attention?

A. Mrs. Gorman, Camerons's mother, had from time to time indicated to me that the boy was having some difficulty in school. Going back to shortly after her remarriage, the question came up as to whether to enroll the youngster in school in a kindergarten at that time at the young age of four. I believe he was about four at that time. I raised some question with her about it. I said, "Undoubtedly this boy has been through quite a bit and has had some problems." And I said, "I thought perhaps he should remain home and have the care, relaxed atmosphere of a home before

page 256] he undertook the rigors of a new experience of school."

Donald Cameron Crounse

We discussed this back and forth, pros and cons. Finally, she insisted he was a bright child and this was best for him. So, I reluctantly agreed to it, but I did.

Then we had visitations back and forth, that is the child. I wasn't aware of any great behavior problem or emotional problem of the child until, I think looking back on it, it was approximately last fall or in the summer.

It started out she indicated that she wanted the child back a little early so she could get him ready for school. Get the adjustment, because it takes him a while to settle down.

Q. That was the summer of what year?

A. Summer of '63.

Q. Yes.

A. I did send him back a few days early, so that she could get his clothes and go to the doctor and what she had to do for him. Get him settled. Then she called me. I don't recall, Mr. Howard, whether it was in September or October.

Q. Well, can you remember the year?

A. Oh, '63, and told me about he was real — his teacher was really having a problem in school. She felt they ought to have — He was becoming uncontrollable and she thought that we should seek the advice of a psychiatrist

page 257] or she had taken him or was going to take him to a psychiatrist. I can't remember in which frame she put it.

Q. Now, as a result of that telephone call what did you do?

A. Well, I could understand frankly. There was no wonder the boy has problems and I said, "Fine, I would be very happy to come and talk to the psychologist and his teacher. Whoever she chose to examine the boy."

After some incidents that happened in the fall she called about and then I think it was arranged. I believe I went up in November. I think prior to Thanksgiving. I think it was the week of Thanksgiving that I went to New Canaan. Thanksgiving is on Thursday. I think I went up Tuesday or Wednesday. I am not sure, but anyway I went up there and at that time consulted with Dr. Ogdon, Dr. Miner and Miss Felloni, the teacher. It was his second grade teacher.

Q. Now, specifically directing your attention to a conversation that you had with Miss Felloni, tell us who Miss Felloni was?

Donald Cameron Crounse

A. Miss Felloni was his second grade teacher. I visited the school and went into Cameron's classroom and then of course had a private discussion with Miss Felloni outside the classroom.

Q. Now, at that time had Mrs. Gorman said
page 258] anything about a conversation she had with Miss Felloni relevant to Cameron?

A. Yes.

Q. What had she told you was said?

A. She had indicated that Miss Felloni — I believe they had called her from the office. They had had to send Cameron to the office on occasion. That he was becoming uncontrollable in class. He had — he was disrupting the class and that Miss Felloni could do nothing with him and she thought something had to be done to find a solution to Cameron's problem.

Q. Now, then, did you then at the suggestion or request of your former wife go and talk with Miss Felloni?

A. Yes, Mr. Howard, I did.

Q. And did you talk with your former wife after you talked with Miss Felloni?

A. Yes, I did.

Q. Did you discuss with her the conversation you had with Miss Felloni?

A. I believe I did.

Q. What did Miss Felloni tell you about Cameron?

A. Basically, she said he had trouble with other children. That he was disliked by the other children because he in one form or the other attempted to fight with them or belittle them. He was one of the younger boys in his
page 259] class. He couldn't concentrate in class. He would throw things at other students in class. She had to separate him from the rest of the class, that is in seating arrangement. That at times when she would tell him to stop or not do something he would just go into these rages and cry and scream and just completely disrupt the class and she had thrown up her hands and she didn't know how to handle it.

She had discussed this with Mrs. Gorman and she was in hopes — She was very happy I came up and she hoped we could find a proper solution and let her know what to do about it.

Q. Now, did you have any discussion with her concerning Cameron's scholastic work?

A. Not at that time. Well, we — This was early in the year, November. We discussed his work. She showed me evidence of his work at that time, which she said was below par. Then we discussed more thoroughly his academic achievement, I believe it was in May of this year.

Q. May of this year?

A. May of this year.

Q. At that time, what grade was he in in New Canaan?

A. He was completing the second grade.

Q. Did you have any discussion with his teacher with reference to whether or not he would be trans*fered* or promoted to the third grade?

page 260] A. Yes, I had a discussion with her and I discussed this later with my former wife. It indicated from the teacher's opinion he was not ready academically for the third grade. As a matter of fact, far from it, but that she felt — but she had been advised if she didn't pass him this might have a more detrimental *a*ffect because of his emotional problems and because of his emotional problems she was going to pass him to the third grade even though he wasn't ready for it academically.

Q. Did she say that any particular person had made that impression to her?

A. I can't say. They — she said, after discussions with Mrs. Gorman and I believe the psychologist, considering the recommendations of the psychologist.

Q. In other words, she did indicate that she talked to Mrs. Gorman and the psychologist?

A. I recall her saying his recommendations. Whether she talked to him or not I don't know. I can't say definitely. Oh, yes, she had discussed it with her.

Q. Now, did you talk to Dr. Ogdon?

A. Yes, I did.

Q. What other doctor did you talk to?

A. Dr. Miner, Cameron's pediatrician in New Canaan.

Q. Who else?

A. Dr. Schulter, I believe he is a psychologist.

page 261] Q. At that time had your former wife attempted to tell you what in her opinion was the cause of

Cameron's condition?

Miss Harrison: Your Honor, please, I must object again to Mr. Howard leading his own witness.

Mr. Howard: I will withdraw it.

By Mr. Howard:

Q. Let me ask you this. Did you have any conversation at the time you went up there, immediately before you went up there with your former wife about Cameron's condition?

A. Yes, we did.

Q. What did you all discuss in that conversation about his condition?

A. Well, I think after visiting with these various people and talking with them we talked briefly either on the phone or before I went out there and I think we both realized there was — agreed Cameron had a problem. There was no dispute about that.

No one could seem to tell me or could they according to my wife tell her exactly what the cause of this problem was with Cameron. I was extremely concerned about the cause because immediately when the problem — everybody recognized the problem. They first said to me — Mrs. Gorman was quite insistent about it. The first thing we should do is to cut out your — not cut out completely, page 262] but curtail the summer vacation period.

Q. Who first talked to you about that?

A. Mrs. Gorman.

Q. And at that time did she say whether that particular subject had been discussed with her by anyone else?

A. Yes, I think she said she had discussed this with Dr. Miner and Dr. Ogdon and possibly the teacher. I am not sure.

Q. Now, when you talked with these people did you attempt to ascertain from them the cause of Cameron's condition?

A. I did. Well, I had some idea. I talked to the teacher. She told me she didn't know the cause. I didn't even have to ask her. As I explained to my wife she said. "I have thrown up my hands. I don't know what to do about it." I did talk to the pediatrician.

Q. Dr. Miner?

A. Dr. Miner. Of course he wasn't — he didn't offer any opinion on that. Along that line. I talked to Dr. Ogdon. She offered no opinion as to the cause saying it may result — His condition in all probability resulted from a number of reasons and that this business about the curtailing of the summer visitation schedule was, let's say a suggested start

page 263] as to treatment of the boy. Now, that was the vein that this curtailment was suggested. It wasn't suggested that seeing me necessarily caused this I don't think.

Q. Now, between September of 1963 and March of 1964, would you indicate to the court approximately how many times Cameron — How many days I guess I should say days or nights Cameron was with you?

A. What was the date?

Q. September of 1963 and March of 1964.

A. From September — and he was as I recall returned to his mother, I think before Labor Day. As I can recall from September of 1963, I saw him for Thursday, Friday, Saturday and Sunday of Thanksgiving in November. That's four days. I saw him prior to that. He was down here for my mother's birthday and a football game for two days. He came down Friday evening, I think and was returned Sunday evening. I saw him for five days at Christmas.

Miss Harrison: Your Honor, could I ask him for clarification, for the dates between September '63 and '64?

Mr. Howard: March of '64.

Miss Harrison: And he referred to two days of a weekend. Can he be a little more specific?

By Mr. Howard:

Q. You said what two days?

page 264] A. Without a calendar — I know my mother's birthday was October 25th. I don't know if we celebrated on the weekend. She had a birthday in the middle of the week.

Q. It was in October of '63?

A. Yes, sir.

Q. Then he was with you some part of Christmas of '63?

A. Five days is my recollection. The latter part of the vacation. In other words, not Christmas day, but I think it was

Donald Cameron Crounse

the 27th, 26th until the first of the year.

Q. Do you recall if you had him in January or February of 1963?

A. No, sir.

Q. And looking back in retrospect, do you have any recollection of his condition when he left your home in December to go back with his mother from the standpoint of being an emotionally unstable child?

A. I would say that he was anxious. Some of the people have used the term anxiety. He was nervous. He was a nervous youngster the whole visitation period. But, of course, I don't know how much — I can't attribute it to any one factor. It's the Christmas holidays, the toys, there's a lot of excitement. I can't say on holidays that you have a par-
page 265] ticularly quiet setting when you have a Christmas atmosphere, that is from the point of a lot of play.

Q. And then is when it was, just before he came down at Christmas time in 1963, your former wife had spoken to you about his condition?

A. Well, I will say this. Now, Mrs. Gorman called me on one occasion and asked me if I would talk to Cameron about this business in class, concentration.

Q. When was that? What year, if your remember?

A. That was in '63.

Q. That was in '63?

A. That was after — my best recollection is this was after Thanksgiving.

Q. Of '63?

A. Right. And I said when he was here at Christmas that I would talk with him and I would mention to him about trying to concentrate, stick to his studies, to improve in school.

Q. Then after that particular telephone call, did you have any telephone conversations with her about the child's behavior?

A. Yes, I had some in the fall of '63. I am trying to think how many we did. I think she called me one time. I wasn't home. This was her anniversary. Cameron threw a fit on her *anniversay.*

page 266] Miss Harrison: Your Honor, I object to that on the grounds it's hearsay.

Mr. Howard: I ask that it be stricken.

The Witness: I called her back and she told me.

By Mr. Howard:

Q. She talked to you over the telephone frequently this way?

A. At the time I talked to her this was our conversation. She told me she had called my wife; called me and I wasn't there and she had talked to my wife. She explained it. Perhaps she was a little bit more over zealous. She described then to me what took place. And she wasn't excited at that time, but she realized and acknowledged that she had been upset and excited the night she had called for me and did not get me, but got my wife.

She said something had to be done and that we had to do something and of course we had conversations. Now, I can't pinpoint the date, but in reference to care or psychotherapy and what was my feeling on it. I mean as to what I thought about it. I told her if the boy needed care or psychotherapy — we both discussed the expense. We felt that we could get therapy if this was needed at a clinic that she suggested. She indicated to me they were very competent.

I said, "Well, let's plan — go ahead and have him
page 267] seen by this clinic." I still and we discussed it
— I told her I still wanted to find out what the cause was. I had my own opinions, but I am not a psychologist.

Q. What did you feel was the cause of it?

A. I felt it was his present environment.

Q. Specifically, what was that?

A. The emotional instability and continuing pattern of Mrs. Gorman.

Q. What had occurred between Mrs. Gorman and yourself at this approximate time or later on to make you believe there was any emotional instability involved, as far as she was concerned?

A. What do you mean? In the telephone conversation?

Q. Anything. Telephone conversations or anything.

A. In the past year, of course, there was perhaps little things that made me, as well as, the past made me come to

this conclusion. She would send the boy down without a haircut and when I said without a haircut I don't mean he just needed a haircut. Hair was coming down over his ears. He was in a tacky condition. His clothes. This would be enough to give anybody an inferiority complex. She would call up and when she would talk to me she was extremely excited on the phone.

Q. Could you just describe that — amplify that a little bit more?

page 268] A. The only thing I can say. She — we — well, I — When she described the condition that was going on up there with regard to Cameron, she would practically holler on the phone. She was incoherent most of the time.

Q. Had you ever witnessed a pattern of behavior like that at that time prior to these telephone calls?

A. Throughout the seven years of our marriage.

Q. Can you tell us in what year these telephone conversations took place that you say she appeared to be upset, incoherent, upset and so on and so forth?

A. 1963. Early — well, '63 and '64. The early part of this year and last year.

Q. In '64. Can you be any more specific with reference to months?

A. Well, after Christmas I think we discussed how Cameron — she called — I called or she called and we then discussed how Cameron was doing, I think after Christmas. She indicated — she wasn't excited. Apparently, the boy was doing a little bit better.

We really didn't have too much discussion, Mr. Howard, as I can recall from January until about Easter time and then I called with reference to the visitation of the boy and she said, "Well, would it be all right if I have him for Easter and you have the long spring vacation time." Which was agreeable to me. We had very little dis-

page 269] cussion the first part. I think he was here in April.

Q. Of what year?

A. 1964. And at that time I had Cameron seen — I took him to see Dr. Riesenman and I believe, I think he saw him twice and Mr. and Mrs. Gorman saw him. I saw him. I think

Mrs. Crounse, the present Mrs. Crounse visited with him. And after they left or after he went back up in April, then Mrs. Gorman and I had conversations over the phone relative to what we were going to do about Cameron. About would I agree. Questions about what we were going to do? Would I agree to curtail his summer vacation down here too. I think it started out about six weeks or two months and then got down to a question of a month and we had discussion back and forth about this and I indicated to Mrs. Gorman that I was convinced the boy had a problem, but I was not convinced this was the where for all, that this was the reason.

Q. What was her reaction to that?

A. Well, she wasn't quite sure what the cause was herself. You know I told her, it could be the present environment and she said it could be, but we have got to start somewhere and I discussed it with her and I said, "If the environment is the reason, curtailing the visit won't help him." So, I was not satisfied with the recommendation *That* in the con-
page 270] versations and recommendations I had gotten so far, no one had been able to tell me what the cause of this boy's problem was yet. And we both discussed the question of psychology not being a perfect science and sometimes it's very difficult to determine the cause. So, we left it that way until these *discussion* took place, I believe in May and then in June we had a discussion. No, no, I think — I think the latter part of May we called up on the phone and she got right heated on the phone.

Q. When was this?

Q. This was either the latter part of May or first part of June.

Q. Can you indicate just what the tenor of her voice was at that time?

A. She was livid and very excited and I would not agree. I at that time I told her I wouldn't agree that this was the solution of the problem and I wasn't going — I didn't think this was warranted and I did not agree his visitation was the cause of his problem and I was not willing at that time to cut my summer down and quite to the *contray* I felt perhaps there may be possibly a need for a change — would be need for a change of home.

Q. Now, during the time you lived with your wife did you

ever witness any behavior on her part that was comparable to her attitude over the telephone on this particular occasion?

page 271] A. Many, *may* times, Mr. Howard.

Miss Harrison: Your Honor, please. Mr. Crounse has attempted in answer to a prior question to relate a visual image, but he related a telephone conversation. As a matter of fact, he used the word livid, which I think would be a descriptive word of physical observation. I don't think it can be an audible observation. I object to the questions. I feel that personal observations and telephone observations are two entirely different things. I object to the question.

Mr. Howard: Your Honor, here is a man who lives with this woman for some four, five or six years. I would say in that period of time you get to know them right well. Certainly you get to know a lot about their habits, about their demeanor, about the inflection in their voice and I am a little surprised, maybe I am wrong, I certainly think if I was having a telephone conversation with my wife it would be no problem for me to determine her attitude by something she said over a telephone. I wouldn't have to see her in person and I submit, sir, the witness has a right for what it's worth to express to the court how she acted on the telephone and then let the court draw *it's* own conclusion at the time.

The Judge: Objection overruled.

Miss Harrison: Note my exception.

page 272] By Mr. Howard:

Q. Were there any conversation of that nature to show that her behavior was that such as you describe?

A. Well, there were a number of conversations both in New York where she wanted to do something as she —

Q. Excuse me Mr. Crounse, I should have confined it specifically to the year 1964, I don't know whether —

A. Only — The only other time when she would raise her voice and get angry with me was when she would discuss this demand about changing visitation rights, curtailing visits with me and tell me I was one way and I wouldn't agree with her and I was bull headed and a number of others.

Q. Did that happen on more than one occasion in 1964?

A. With few exceptions. I would say on maybe two or three times that we talked.

Q. Two or three times. And in 1963, did you have any conversations with Mrs. Gorman?

A. About two or three times in that years as well.

Q. In 1963?

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page 273]

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F. REGIS RIESENMAN,

a witness on behalf of the complainant, having been previously duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

By Mr. Howard:

Q. Dr. Riesenman, state your full name.

A. F. Regis Riesenman.

Q. And your address is what?

A. 5101 Little Falls Road, Arlington, Virginia.

Q. And your occupation?

A. Psychiatrist and neurologist.

Q. Where did you go to school, Doctor?

A. Georgetown University School of Medicine.

Q. What year did you graduate?

A. 1940.

Q. And what training if any have you had in the psychiatric field?

A. I am both board-qualified in neurology as well as psychiatry in the field since 1941 — actually, 1939 I started in psychiatry and neurological work.

In private practice of psychiatry since 1947.

United States Army, 1941 to 1947, as Chief of the Neurological Diagnostic Section of the U.S. Army in Texas.

page 274] Consultant in psychiatry, St. Elizabeths Hospital, fourteen years, as Staff Psychiatrist; and Medical Legal Consultant, Medical Legal Jurisprudence to

the Court in the Northern Virginia area, and the Federal Courts, during the past fifteen years.

Q. You have had experience in testifying in court for the past fifteen years?

A. Yes. And ten years prior to that in the Army.

Q. Now, Dr. Riesenman, let me ask you this: In the psychiatric profession if you are consulted by a person concerning a problem, what is the accepted, recognized principle so far as the psychiatric profession is concerned, with reference to getting the history of a person who seeks your help as it affects the particular problem?

A. You have to not only talk to the youngster — the child involved — but you should try to get a determination from the history, from both parties, from the time of the marriage to the birth of the child and up to the present, as well as any other parties who are interested either professionally or otherwise.

Q. And would you likewise be interested in getting the history of the parents as well as the child?

A. Oh, yes.

Q. Now, do you know, whether as far as psychologists are concerned, do you know the accepted rules in the
page 275] psychological profession — as you refer to it that way — about obtaining history from people that go to them?

Mr. Ferrari: Your Honor, with respect to that question, before the Doctor answers:

Now I don't know if the Doctor here is qualified with respect to psychologists to comment what their procedures are. As a psychiatrist, I don't know if he practices psychology, and I believe there is a distinct difference in what they do.

Mr. Howard: There definitely is.

Mr. Ferrari: And I don't feel that an opinion concerning the methods, and the opinion of this Doctor on a psychologist — he is not qualified to do that.

Mr. Howard: I will withdraw that question.

By Mr. Howard:

Q. In the years you have been actively engaged in the

psychiatric field, what contact have you had with psychologists?

A. I do psychological testing myself. I work very closely with psychologists and it is up to me to interpret the psychological findings of the tests.

Q. What is the difference between a psychologist and a psychiatrist, generally speaking?

A. Psychologists evaluate more or less the behavior of the child and try to compare it to the standard
page 276] acceptable norm in this particular age group, and gives you the idea of the more latent factors behind the clinical findings of the child's emotional structure, which they supply to the psychiatrist who sees the child clinically and tries to go beyond what the picture is clinically, of the emotional problems that are underlying and the psychodynamic psychopathology in the case.

Q. Now, Doctor, you are contacted or consulted by either an adult or a child. As far as you personally are concerned, do you have any interest in obtaining history from either the adult — if it be an adult — or if it be a child, getting history from the parents of that child?

A. Oh, yes.

Q. Is that standard procedure with you in your capacity as a psychiatrist?

A. Always, invariably, and also psychological testings of not only the child but also the parents.

Q. Now, do you know Mrs. Aneen Gorman, who is a party to this proceeding?

A. Yes, I do.

Q. Do you recognize her?

A. Yes.

Q. Where is she seated?

A. She is sitting to the left of her counsel.

Q. Do you know her husband, Mr. Edward Gor-
page 277] man?

A. Yes. I met Mr. and Mrs. Gorman in April.

Q. Do you know Mr. Donald Crounse?

A. I do.

Q. Is he at this counsel table?

A. That is correct.

F. Regis Riesenman

Q. Do you know the son of the now Mrs. Gorman and Mr. Crounse?

A. Yes. Cameron Crounse.

Q. When did you first see Cameron Crounse?

A. I saw him sometime — I saw the father first in March. I saw the son in April, at which time I also met and talked with Mrs. Gorman and Mr. Gorman.

Q. Now you talked with Mrs. Gorman approximately how long on that occasion?

A. I believe I talked to her first, and then to Mr. Gorman. I think the whole conversation was about an hour and a quarter.

Q. Did the conversation you had with Mrs. Gorman relate in any way to her son Cameron?

A. Yes.

Q. What was her behavior while she was in your office on that occasion?

A. She was very defensive, of course, right from the start.

Q. Would you be a little more specific?

page 278] I would like for you to just tell the Court what she did and how she acted, and so on and so forth.

A. Would it be all right if I told you in my own words?

Q. I think this is the way.

A. Mr. Crounse came to me in March of '64 and asked me if I would talk to him and his son, and perhaps later to his wife, with respect to visitation rights of the son.

The son had split custody. He was with the mother in the school year and with him in the summertime and on three different holidays during the year.

He wanted me to examine the situation and see if the visits were affecting the child emotionally.

I told him I'd be glad to do so.

There came a time when I saw him — a couple of times, and the boy, and talked with the parents — the mother and the stepfather — with the idea of trying to determine if the relationships of the child were affected by the visits with the father in the summer and during the holidays.

In order to do so I was supplied with information from both Mr. Gorman and Mrs. Gorman the mother, and Mr. Crounse the father, and from talking to the child and reading

a report of Dr. Ogden, the doctor in New Canaan who apparently examined Cameron, and also the Psychiatrist's report, Dr. Schiller. This was all sent to me so page 279] I'd have the information *information* prior to talking to the mother.

At that time I was trying to make a decision about the visits — the length of the visits; if so, to what degree.

I explained this to the mother, and talked with her, and she appeared quite defensive before I even made any statement. I think she felt probably I was taking sides. I indicated to her I was not interested in taking sides; I was interested to see what I could do for the boy.

I told her as well as I told her husband that I felt if it involved custody, that the child by all means should be in the custody of the mother if the mother was shown to be a fit mother both morally and emotionally; that the child should be in the custody of the mother.

If it was a case of visitation and split custody, then I confine my examination to the effect of visitation, and from what Mr. Crounse told me and from what I read, I knew that Cameron was a very disturbed child. As to whether he was disturbed by his visits to his father or his mother it was up to me to determine.

The mother felt that coming down and spending three months in the summertime was too long; that he was completely upset and it took a long time for him to get back to normal.

She also pointed out that she did not have the page 280] opportunity at that time to observe him in the home other than when he was in school; he always left right away and came down just in time to go to school. She never had any time to see his behavior and adjustment in the home when he was on vacation.

I suggested that he remain a week to ten days in June after school to get sort of adjusted to being out of school before coming down to visit his father, and by the same token, that he return a week or ten days early for readjustment before going back to school. That way he would have about a three week period in the home, out of school.

I then indicated to the mother, since the child was then seven years old and would be eight on December 10th that

it was about time the father had more contact *contact* with the child, as much as possible, because from the age of five or six on, a male child must have a lot of identity with the father. Up to the age of four or five, the mother's identity with the child is more important; whether it be male or female is unimportant.

She was very unreasonable. She got quite hysterical. She became resentful and depressed, crying and very emotional. Even though I was trying to be very reasonable and trying, in fact, to be on her side in some respects, she apparently didn't want *hime* to come at all or only for two

page 281] weeks.

Q. As a psychiatrist, did that behavior indicate anything to you?

A. Yes, it did. The reaction she had to the situation was entirely out of proportion with the stimulus that provoked it.

Q. Did it indicate she had a problem of any type?

A. Definite problem.

Q. At that time had you been given any history at all about Mrs. Gorman, by her husband?

A. Some history, but Mr. Gorman apparently in talking to him gave me mostly the positive, and the child — I felt he was probably being protective; I did not know that the true picture existed and I was at a loss to explain her behavior.

The child from birth all the way through had always been disturbed since he was born. It was difficult for me to understand it. Since I have a better picture of it, I understand it.

Q. What material has been submitted to you that makes you have — as you say — a better picture of it?

A. I read the material that he gave to you.

Q. When you say "to you," who do you mean?

A. Both Dr. Morgan and his examination of it, plus the psychological test, and the further history.

page 282] Q. That was the material that Aptitude Associates furnished you?

A. Right.

Q. Now, the summary that you received, do you know who prepared that summary?

A. You mean the other paper?

Q. Yes.

A. I would take it your secretary prepared it.

Q. Who did it concern? Let's put it that way.

A. It concerned the history given to you by Mr. Crounse pertaining to his wife and son.

Q. Did you determine from Mr. Crounse that that history was true or not true, as far as he was concerned?

A. He verified substantially what was in the report.

Q. Now just briefly, if you can be brief about it, Doctor Riesenman, what did that history consist of as to the behavior of Mrs. Gorman?

A. It showed that there was a constant turmoil in the home practically from the time this child was born — before the child was born — that Mrs. Crounse was more career minded, not domestic; in fact, did attempt at two different times to go to New York or Los Angeles or Hollywood or Washington, to leave the home to go into a writing career. She was not interested in any part of home-making, or even caring for the child.

page 283] It also indicated that Mr. Crounse cared for the child when the mother would not. When the child was sick, he particularly had to care for the child. She was not interested in a sick child. She was drinking a good part of the time, and he would find her with the child in her arms, drunk.

The relationship between the child and her had been very poor from the start. They had differences of opinion as to how to raise the child. I think Mr. Crounse had a tendency to be more strict. She as the mother was a little more permissive with the child. They couldn't see eye to eye.

I think he would occasionally spank the child. The mother gave the child beer and liquor, and drinks from time to time. He didn't think it was good to give a child eighteen months or a year or two years old, liquor, and all these different things.

The mother tore the child's arm, pulled the child's arm out of its socket twice when the mother and child were having a fracas.

She had got very hysterical, wept severely, when she couldn't get any more liquor at 2:00 a.m. because the liquor stores in Virginia were closed, at which time she was already drunk, and thought the stores in Virginia should have a system

whereby she could get it anytime.

Her insight and judgment were completely nil
page 284] with respect to her whole attitude about the child.

I don't think she apparently realizes the amount of psychiatric and emotional trauma she had conditioned the child to.

The child through the earlier period of life, particularly the first three years, must have a close and good relationship with the mother if the child is going to be normal at all.

After that I was able to determine why the child had been disturbed, a disturbed child from the time of birth.

Q. Now let me ask you this: Do you have any recollection whether in the history you got from Mr. Crounse there were other episodes comparable to the episode in your office?

A. Yes. When her attorney told her she had no grounds for divorce, she got pretty hysterical and unreasonable. She had other episodes with the boy where she would go completely — well, she has these hysterical attacks.

Q. Was this episode she had in your office comparable with her pattern of behavior as related to you by Mr. Crounse, during the period of time they lived together?

A. He didn't really talk too much about these hysterical episodes, and I was a little surprised she had this reaction in my office.

When I told him about what happened, he said, "Well, she's had many episodes like that in the past."
page 285] I said, "Well, I didn't get that history from you." I couldn't understand how she could suddenly have such a severe reaction without having had a reaction in the past of a comparable nature.

Q. Dr. Riesenman, as a result of the conversation that you had with Mrs. Gorman in your office, and what you say transpired while she was there; from reading the report prepared by the Doctors Morgans, who operate under the name of Aptitude Associates; and from the material which has been submitted to you by Mr. Crounse, do you have an opinion as to whether or not, as of this time, Mrs. Gorman has a problem of any description?

A. Yes. Certainly. She should have been seeing a psychiatrist right along with Gorman, attempting to resolve her problem. She was a problem. Irrespective of whether she

has a child or not, she could do good by *phychotherapy.*

Q. Can you classify the problem, or spell out just exactly what it is?

A. Yes. She has a hysterical neurosis. It's not psychotic; it's just a very severe emotional reaction under certain situations. At times, particularly if they are depressed or upset, or they are tired, or something like that, they react in this way. Other times they get along very nicely and they function very well.

Q. *Its* a neurosis, not a psychosis?

page 286] A. That is right.

Q. In everyday language that means an emotionally unstable person?

A. Under certain situations they are perfectly normal and stable.

Q. Now —

A. It's an episodic type of thing. Certain situations trigger it.

Q. And being this type, is she vulnerable to stresses and strains?

A. Yes. A person with this type of structure certainly should not be exposed to situations which may impose too much stress or strain upon the personality. It may act as a trigger mechanism to set off this emotional reaction.

Q. I want to ask you this, Dr. Riesenman: Whether or not you are in agreement with the impression that is given by Dr. Ogden. I think you said you saw a report dated December 3rd, 1963 — "Mrs. Gorman is a very insecure and immature person, constantly being buffeted by ambivalent feelings toward Cameron, and her own feelings."

A. She has this ambivalence. *He* hit it right on the nose. She has a capacity to love and she has a capacity to hate. When these situations arise that cause resentment, anger and hostility, she has to cope with it in an hysterical way. This is where the ambivalence comes in. This is where

page 287] the insecurity comes in. This is where the immaturity comes in. Why the Doctor did not attempt at that time to give her some psychotherapy I don't know. If she doesn't know they are in her makeup, unless she is able to see this, she hasn't got a chance to react normally to situations of stress and strain.

F. Regis Riesenman

Q. Do you have an opinion as to whether or not a person that is, as you say, emotionally disturbed, as is Mrs. Gorman — would that have any effect on a child that lives in the home for nine months out of the year — particularly if she is subjected to stresses or strain?

A. Even if she does not manifest this outwardly, which she has not at times, the child can sense this. A child of just a few weeks can sense its mother's own insecurity, inferiority, and all these characteristics, and pick it up. Even this is not clinical evidence.

Q. Did I understand you to say that you are at this time prepared to give an opinion as to why Cameron is emotionally disturbed?

A. Yes.

Q. Would you say what that opinion is, please?

A. Yes. I feel it is a product of the marriage. Now I don't mean to say that Mrs. Crounse herself — Mrs. Gorman — was entirely at fault. You rarely see a situation where one person is entirely at fault. It is almost always page 288] a product of the relationship of the child to the mother and the father. I think there Mr. Crounse contributed. I think Mr. Crounse at times was too permissive. Mrs. Crounse is a more dominant type of person than her husband, and because of this she was forced to become even more so because of his passivity; because of the fact of rather than have an argument he would walk away. This isn't good. He should have been more positive and then maybe she would have been less so.

Because of his passivity and because of this, this posed quite a problem in their relationship to each other and they didn't see eye to eye about the child, and she was trying to be a little more permissive with the child. He was more strict; he wanted the child toilet-trained; he was trying to work this through, and this isn't good, to push this. He was wrong about some of these things and he was right, but both of them were trying to do at that point what they thought was best for the child.

If they had consulted someone at that time, they could have ironed out a lot of this, but they didn't, and it continued and got worse. As a result of this she became frustrated, he became frustrated. She because of her frustration would act

out in one manner and he in another.

The child did not have the security of the love and affection it should have had with the mother and the father in the home the first three years of life.

page 289] The first three or four years are the important years, believe me, particularly in relation to the mother and the child.

Q. In the history, the conditions under which Cameron was living in the Gorman home — the internal situation in the Gorman home —

A. Yes. The situation was bad. From time to time Cameron was explosive in school, he manifested his problem in school, he did everything he could to get attention. The child is very brilliant — very smart. This was never manifested at an academic level in school. In fact, it was very bad. In addition to his bad deportment in school he had to do everything, and I think in the home, to get attention, because the child really felt insecure and inadequate and he did everything he could to get attention. These are the ways the child had of getting attention.

Q. Is there anything in the history, if you recall, with reference to the behavior of Mr. and Mrs. Gorman in the home?

A. I think Mr. Gorman himself is a person who is affectionate, but I think he also would have problems at times, and he couldn't adequately cope with the situation. He'd get a little upset, a little nervous, a little angry, and he would not sometimes act in a more positive manner as he could because of the problems going on.

page 290] Mrs. Gorman would get quite upset with the boy and she'd put him in *aroom* sometimes by himself. This would upset him even more. Apparently she was unable to satisfy the child's needs and demands in the way in which the child could be comforted and made to feel secure.

She tried to do the best she could with the emotional equipment she has, but because of the blind spot she couldn't see what was the best thing to do, and many times what she did do added insult to injury.

So the boy would feel even more insecure.

Q. Doctor Brown says that as far as he is concerned she definitely has a problem which she is attempting to overcome.

Would you agree with that?

A. Yes, but she needs some help in overcoming it.

I am sure this is mostly subconscious on her part. I am sure she must love the child very much.

Q. Dr. Ogden's report says he is somewhat older than his wife, a man who appears to be warm and affectionate and finds it hard to deal with underlying hostilities, which comes out in the form of teasing or kidding.

A. Well, I don't know him well enough to agree with that. Sometimes that is so. I don't know Mr. Gorman well enough to say that. Sometimes they may tease or joke. It is better to tease and joke than to slam somebody around.

Q. Did you say you got some impression on page 291] him with relation to hositlity?

A. Naturally he was going to support his wife. I think he said she was quite upset, and whether she was right or wrong he was going to come to her defense, and when he was in the office there, whether she was right or wrong he is naturally going to come to her support, but I think he is himself unaware of her lacking her true potential, her true capacity in a full, emotional way.

I think he himself, if he were to know the true emotional negative factors in his wife's makeup —

Q. Well, Dr. Riesenman, based on the diagnosis that you have made of Mrs. Gorman, and based on what happened in your office, and based on the material that has been submitted to you, and the conclusion you have reached with reference to it because of Cameron's condition, do you have an opinion as to whether or not at this time it would be well physically for the child to live in the home on a more or less permanent basis, with his mother?

A. No, I do not.

Q. Do you have an opinion on that subject?

A. I feel that the boy at this time, at this age and all, I feel that the boy needs his father. I feel that the relationship between the mother and the father is so pathological that the child, if he continued to live with the mother, the damage is so great you might end up with a page 292] child that you could do nothing with in the next few years.

I think the child right now needs a very strong father

figure. He needs to be with the father, and he should have no contact with the mother at this time, for a period of at least two or three years, until the child has an opportunity to do a complete about face, because of his poor relationship with his mother through the last several years.

Mr. Howard: All right, Mr. Ferrari.

CROSS EXAMINATION

By Mr. Ferrari:

Q. Dr. Riesenman, I wonder if you would tell us how much work you have done with children in child psychiatry.

A. I *regulary* work with domestic problems and juvenile delinquents. Now I see children, I see couples, do a lot of marriage counseling, guidance, — cases of visitation and custody rights.

I do not treat children much below the age of ten. In other words, if Cameron were *tocome* to me I would not treat him too actively. I would send him to another psychiatrist. I am just doing the diagnosis.

Q. And is it a clinical diagnosis?

A. Yes, sir.

Q. Cameron, you said, was brought to you by his father. Is that correct?

A. Yes.

page 293] Q. And while you had the child with you—

A. Yes.

Q. — what did you endeavor to do and how did you do it?

A. I asked the child — I saw him, naturally, alone. I asked the child how he was, how he got along.

He said "Fine."

At that point I said, "How do you like it up home?"

He said he liked it all right.

I asked him, "How do you like it down here?"

He said, "All right."

"Do you like coming down here with your father?"

He said he looks forward to coming down with his father. He comes at Thanksgiving, Christmas or New Year's, and Easter. He likes this. He didn't particularly care one way or the other.*t* He liked it up home and he liked it with his dad.

I couldn't get any indication that he was unhappy in either place.

Q. I see. Now, what reaction did you get?

A. Cameron was tense. He was a little anxious, naturally, coming in to see me. He didn't show any too abnormal emotional behavior I don't think when he was in my office.

My opinion of Cameron was not so much what I thought talking with Cameron, his behavior in my office,
page 294] as the history I got prior and after.

Q. I see. The history you got?

A. From Dr. Ogden, from Dr. Schiller, from the father, and so on. In other words, he didn't show in my office what he showed at home and in school.

Q. So that if you didn't have a history or anything, the child to you, from your clinical observation while talking with him, seemed normal?

A. Yes, as far as I went. If I had had nothing, I would have to do a lot of work. I didn't do all that.

Q. What would you — what histories did you have prior to seeing Cameron?

A. I had the history of the father. I had the history of the doctor in New Canaan.

Q. When you say "the history of the father," you had had a conference with the father?

A. Yes. Two or three of them.

Q. And this related to the child's life?

A. His life and the mother's life somewhat, not in detail.

Q. When they were married?

A. Yes.

Q. And the child's life?

A. Yes.

Q. He didn't give you any history of the child's
page 295] life from the time the child has been with the mother and him on a split basis?

A. Yes. He told me about that school.

Q. With respect to when he was with him on his visitations here?

A. That is right.

Q. He told you how the child acted while he was down here during the summer?

A. Yes, he told me some of the things the child was doing.

Q. What did he tell you the child was doing during the summer?

A. He said the child came down here in the summertime. He had old clothes, old tattered clothes. They all looked like they were worn out. He tried to keep him neat and clean, and sent him back in a neat clean condition.

Apparently he hadn't been going to church too much up there. He liked going to church. He liked going out with his father in the woods, and so on, and I think there wasn't anything when I talked to the mother he told me certain things. Apparently the child was unhappy.

Q. I asked you what he told you. Did he ever have any problems during the summer? Did his father tell you anything about that, or did he have any?

A. Not of any magnitude.

page 296] Q. Did he tell you the child had no problems during the summer?

A. Not no problems. I think he indicated he was reasonably happy in the summertime. He looked forward to coming down to visit with him. He seemed to enjoy himself when he was with him.

Q. Of course, this would be normal?

A. Well, it might very well be.

Q. So, I'd say as far as observations were concerned during the vacation period —

A. As far as being here?

Q. With respect to Cameron.

A. That is right.

Q. He didn't have any problems with him during that vacation?

A. At least they weren't brought to my attention.

Q. This was given to you verbally prior to seeing Cameron?

A. Yes.

Q. Now what other history did you have before seeing Cameron, other than what Mr. Crounse told you and gave you?

A. I guess the report from Dr. Jerome Schiller, the report from Dr. Ogden — apparently Dr. Ogden must be a psychiatrist.

F. Regis Riesenman

Q. Did you have Dr. Schiller's report here page 297] prior to seeing Cameron?

A. Yes. I don't have the date of Dr. Ogden's report. For some reason or other it wasn't dated.

Q. Did you write to Dr. Schiller for this report?

A. Yes. Let me see now. I requested the report from both of them. I forget how I got it.

Q. In other words, did Mr. Crounse tell you that Cameron had been seen by Dr. Ogden and Dr. Schiller?

A. Yes; I believe he told me he had been seen by a psychologist and a doctor — an M.D.

Q. And did he give you their names?

A. I don't know.

Q. You don't know whether Mr. Crounse gave you their names when you talked to him before you saw Cameron, Doctor?

A. I'm not sure how I got the names or how I got the reports. I think I requested them. He must have, and I had him sign a release for the information.

Q. Have who sign?

A. Dr. Polan wrote to me and sent me Dr. Schiller's report. There is a cover letter of April 3rd. So I must have written to both of them by name and asked them for a report, and sent my own prescription blank and had him sign a release. That is what I think. I could be mistaken. I do so many of them.

Q. This letter from Dr. Polan, I notice he and page 298] Dr. Schiller work together.

A. They are together.

Q. I notice this is on a blank piece of paper. Didn't that seem a little bit unusual to you? I mean, there's no letterhead on top there. It is just signed Dr. Polan. I am a little bit surprised by that, sir; aren't you?

A. Well, when I get a letter from a doctor, I don't try to decide where it came from, what the letterhead is. I go on an assumption that it is legitimate.

Q. I know. I was just a little bit surprised.

A. I am not an attorney or a detective.

Q. Now, if I may see this — Would you read for me here what part of that report from Dr. Schiller is history?

A. Only one sentence.

Q. Would you read it?

A. "Youngster's rather disruptive early rearing, including shifts of location, as described in Dr. Polan's report."

Now I don't know what Dr. Polan's report was.

Q. You didn't have it?

A. No. This was it. The rest was his observation.

Q. So before you saw Cameron you had this history of Dr. Schiller's. Is that correct?

A. Yes.

page 299] Q. And you had the history of — the history given by Mr. Crounse?

A. And Dr. Ogden.

Q. And Dr. Ogden?

A. Can you read that?

Q. Yes. I believe that's the same one that was placed in evidence.

Now what part of this report — that's a better copy.

A. I can read this better. I'll trade you.

Q. That's in evidence. That's Complainant's Exhibit Number 1.

What part of that report is history of Dr. Ogden's?

A. Well, of course the first paragraph here is not history. The second paragraph is the observation.

Q. The first paragraph?

A. The first paragraph has first, current history; and the second paragraph is just an observation he had made of Mr. Gorman and Mrs. Gorman. Then we start with the third paragraph, where you get to the stormy childhood of Cameron. Pretty much, that's from the time he was nine months old right up through to the time he was four years of age. Then the rest is all his own observations of Cameron.

So it's this combination: His observations and his recommendations.

page 300] So it's really this third paragraph here.

Q. Yes. And this confirms the child's life during part of the early —

A. First few years of his life.

Q. I believe the father tried rigid toilet training during which Cameron would become stiff and rigid, until the mother interfered.

A. Right.

F. Regis Riesenman

Q. "He had to have his stomach pumped twice, at one year of age. Mother went to work part-time during his second and third years. There was a great deal of marital strife, which ended in a separation when he was three."

Is that correct?

A. Right.

Q. The first time his father kidnapped him for three months, upon return to the mother he showed signs of severe separation anxiety?

A. Right.

Q. "At four, mother married Mr. Gorman, and shortly after this, father remarried, and his wife is to deliver soon. At about five, mother had a baby to whom Cameron is devoted and speaks of as 'our baby.'"

This would be the present Mrs. Gorman?

A. Right.

Q. He also talks of "our marriage."

page 301] "Since father's remarriage, Cameron has spent all holidays with him in Virginia, being with the mother virtually only in school times. He is also confused about race, religion, discipline, *et cetera.*"

A. Right.

Q. That is the history you have from Dr. Ogden and the history you read us?

A. Of *cours* I have got the observation.

Q. We are talking about history now.

A. Yes. Just the sentence there.

Q. Then the conversation you had with Mr. Crounse up to the time you saw the mother —

A. Yes, right.

Q. — telling you about the married life, the mother's and his, I believe you stated on direct testimony that as a matter of fact he didn't go deeply into it when you spoke to him the first time before you saw Cameron.

A. Too deeply from the standpoint of anything negative the mother did. He kept most of that out. I guess he was ashamed to tell me.

Q. In other words, he didn't tell you anything about the things you spoke about on direct, concerning what the mother did the first time he saw you? Is that right?

A. Most of those things I didn't know anything about until now.

page 302] Q. Until when?

A. Until two days ago.

Q. Until two days ago?

A. Yes.

Q. You didn't ask him? You believe in histories quite a bit, don't you?

A. No. I don't go into it — as I explained at first, when I am thinking of visitations. If I am thinking about custody, I go into it more deeply, spending five to seven weeks before I even can attempt to come to court.

Q. So at the time you examined Cameron, as you state now, this was just a question of whether Cameron should visit his father — should he visit three weeks or eight weeks or at all?

A. No, I think the mother said two or three weeks.

Q. Before you saw the mother.

A. No.

Q. You were asked by Cameron's father to examine the child?

A. Right.

Q. What did he tell you the purpose was?

A. To see if it was — whether it would be all right for him to have the child come on summers and holidays.

I said, "Isn't he coming?"

He said, "It looks like the mother doesn't want

page 303] him to spend too much time in the summer down *her*." He wanted the full summer. That was the picture.

Q. That was the picture Donald presented to you, with that specific point in mind?

A. That's all — three weeks or two months.

Q. And the history and reports given to you by the respective doctors — one psychologist and one psychiatrist — which contained some history that we just previously described, you sought to find out when you saw Cameron whether the visitation privileges should be curtailed?

A. No; whether it should be three weeks or three months.

Q. Curtailed?

A. I see what you mean.

Q. Somewhat cut back?

F. Regis Riesenman

A. And I offered to examine him.

Q. And this was the specific point you were looking for when you examined the child?

A. Right.

Q. And on this the child appeared to you to be — he acted sort of normal?

A. Yes, the child himself.

Q. Now, you read Dr. Ogden's report and diagnosis of the child, or her findings?

A. Her findings. We don't give a diagnosis.

page 304] Q. And you read some findings by Dr. Schiller?

A. Right.

Q. And you — There in the same report from which there is this history we are talking about —

A. Yes.

Q. — they state in here that this was a pretty upset child. Is that right? So you anticipated this, of course.

A. Yes.

Q. And then to your surprise, when you were with this child — or was it to your surprise?

A. No. He was out of school. He was out of — going on vacation. Of course, when he was in my office he was a little tense, but that's natural — a certain amount was natural, but other than this, I didn't find anything.

Q. I see. Since you were just deciding one question —

A. Right.

Q. — namely, whether some visitation should be curtailed, or cut or not, you were not thinking of recommending any therapy for this child?

A. Not at all. I was leaving all that to them.

All I recommended was that if he does come down for the summertime — because of the picture that I was given — that the father bring him in every couple of weeks to let me see the child, see if his visit here was affecting

page 304] him. I wanted to see if there was any problem.

Q. But you were accepting this child's condition on the strength of these medical reports?

A. That is right. All I asked him was if he was scared to be up home or if he was scared to be down here, and he said no. If he had said yes I would have learned something, but I didn't learn anything from him.

F. Regis Riesenman

Q. Now you saw Mr. Gorman and Mrs. Gorman after you saw Cameron. Is that correct?

A. Yes.

Q. Had they called you to make an appointment?

A. I told, I think Mr. Crounse, that when they came down, to bring Cameron, to let me know ahead of time and I would arrange to see them. I am usually with patients until three or three-thirty, and I'll just simply spend a couple hours less with my kids that day.

Q. Without Cameron?

A. Yes.

Q. You only saw Cameron once?

A. I think I only saw him once.

Q. Do you happen to remember how long that was, incidentally?

A. Cameron? I don't suppose over ten minutes, five or ten minutes.

Q. Now, when the Gormans came to see you, do page 306] you remember if they asked you about what you had found, or your impressions of the child, and what you had in mind for him? Do you remember them talking about that?

A. Yes. I think the mother wanted to know, coming in and talking to me, what the situation was — how I felt about the child, and so on and so forth, naturally.

Q. Mrs. Gorman and Mr. Gorman were interested?

A. Oh, sure.

Q. Now let me ask you this, Doctor: Did you — You had formed your own decision by that time about these visitations and how much time might be curtailed. You had made that decision?

A. After talking to the Gormans.

Q. You hadn't made it before?

A. I thought it would be fine to let him come down as usual, but then, after talking to the Gormans, I saw Mrs. Gorman was very upset that he was going to come. She wanted two or three weeks, he wanted the three months, and I felt she was very upset about this, and she gave me a reason that was logical: She never saw the boy up home except when he was going to school; they would like to have him for a few days before school and after school to give him a chance to readjust.

I thought that was logical and reasonable, seven to ten days on either end of the vacation during that period.

page 307] Q. But before that time, before you spoke with the Gormans, you had felt that there was no need to cut it at all?

A. That is right. Before talking to them I felt it was all right.

Q. And you thought her reason that she gave you was logical?

A. Under those circumstances, yes. I could see her point and the logic to the recommended compromise.

Q. So at that time you didn't see any need, even after you were feeling she was quite upset, you weren't worried about the child being with her then?

A. No, because, as I say, I had just — I knew she wouldn't hurt the child; I still don't think she's going to harm the child; I don't think she'll harm the child, that is, physically.

Q. Right. You didn't go into any history with her then?

A. Not too much history; no.

Q. Did you go —

A. I doubt if we went into very much history at all. I wasn't interested in that. I was interested in how she felt about the visits. I didn't know what she wanted until she said "two or three weeks." If she had said three months, was fine, or not at all.

page 308] Q. So you were evaluating her at the time?

A. I was going to talk with her and evaluate what she wanted, of course. Then I was a little surprised to get her reaction, because she didn't appear to be what I expected from what I had heard.

Q. Now I am a little confused.

You originally thought you weren't going to suggest any time off before you met the Gormans. Correct?

A. Yes.

Q. Did you tell them that?

A. I think I started off by saying to Mrs. Gorman: "Look, I don't take sides. I think the child should be with the mother if the mother is a fit person morally and mentally."

This is technically true. The first four or five years of a child's life; the child is now seven. The child needs more of his father.

I think I'd like to have him see a little bit more of the father, because the child is now older and, of course, the mother then indicated she thought it was too long a period.

Q. Thank you. I see your point now.

Now, in the face of your knowing these two people, Dr. Ogden and Dr. Schiller, — You saw him for some minutes and he looked *okey* to you, but you thought maybe the page 309] visitation should remain the same, because that was all you were interested in?

A. Right.

Q. Maybe even they should be lengthened?

A. I even thought they should be lengthened, if possible, sometime during the year. In fact, I don't know how long a time it was he had a vacation. He was in at Christmas, Thanksgiving and New Year's.

Q. Did you know at that time if anyone had recommended that they be curtailed? Do you know *wheth* Dr. Ogden or Dr. Schiller had made such a suggestion?

A. Yes, I think so. Dr. Ogden thought it would be better if the child had one dominant home rather than two.

Actually, what had been going on was split custody rather than visitation.

Q. Yes, but —

A. He thought one dominant home was better.

Now, up to that point knowing what I knew I thought that one dominant home should be best, and I even told the husband I thought that that was with the mother, with visitation rights, even though the child was then seven years old.

I think the child should be with the mother if at all possible, unless for some other reason the child is being disturbed.

Q. I think what I asked you was if any suggespage 310] tion had been made by the physician, or Dr. Schiller the psychologist to shorten the period.

A. No, I don't know about the shortening. All I know, the mother wished it shortened. Whether the doctors advised her to this effect, I don't know.

Q. When you discussed the matter with Mr. Crounse then, before you saw Cameron, he didn't state anything concerning the physicians up there having made such a suggestion?

A. No, sir. That is it. He felt his wife was going to want to do this.

F. Regis Riesenman

Q. Did he tell you he visited Dr. Ogden?

A. Dr. Ogden talked to him. I don't know if he talked to him in person or over the telephone.

Q. Did he tell you he visited Dr. Miner, the child's pediatrician?

A. If he did, I forget. That's up there.

Q. Yes. They're his doctors in New Canaan.

A. I know he talked to Dr. Ogden. Whether it was by phone or in person, I don't know.

Q. But he didn't tell you he talked to Dr. Miner?

A. I don't know.

Q. How about a Dr. Schulter, a psychologist? Did he mention that he talked to him?

A. I don't recall.

Q. Did he mention he talked with the child's page 311] school teacher?

A. Yes. I think he mentioned something about talking with his school teacher.

Q. But there was no comment by Mr. Crounse concerning any suggestion by any of these people that I have mentioned, that there might be some curtailment?

A. No, sir. If he did tell me, I forget it. I am not clear on that. I thought it was primarily that the wife was interested in it.

Q. So, no, obviously she got a little upset when you told her —

A. Yes; the fact that I thought the boy should see more of the father if possible, and therefore I was going to go along with three months in the summer, until she told me her reason. This was what Dr. Ogden had suggested.

Q. About curtailing the visitation?

A. I believe she did mention that Dr. Ogden felt, under the circumstances, three months was too long a period of separation.

Yes, and, of course, my compromise was shorter.

Q. But she told you this?

A. I think so. I think this is what she felt, and I think she indicated that the doctor felt this was too long a period of separation.

Q. So, with this — You say she cried.

page 312] Now, with you as a doctor, is this surprising to you, under the circumstances, for a mother?

A. It was not just crying. It was a culmination of all these things that caused her reaction to be completely out of proportion to what happened.

Q. What do you mean — all the things that happened?

A. Her reaction was equal to what you would expect if the child was going to be taken away from her. That would be the reaction. She went through about that type of reaction. It was only a matter of cutting down on the visits, and she reacted in this manner.

Q. She cried?

A. She was very depressed. She was very hostile. She was very hysterical. She was going to take over. She was going to tell him what to do. Oh, boy, it was something!

Q. Did you discuss anything else with Mrs. Gorman while she was there?

A. Oh, I think we inquired about what her husband did; what they did for recreation; how he got along with their baby up there.

Q. Well, did you ever get off the subject of Cameron and talk about any other things in their life?

A. No. I don't think Mrs. Gorman — Mr. Gorman, what he did, what she did, what her interests were, and things like that. Nothing important.

page 313] Q. Now, since that time — and that was in April?

A. Yes.

Q. And I believe you didn't submit a written report. Is that correct?

A. I only heard about this a day and a half ago. Otherwise I would have had a detailed written report. I had a day and a half notification on this thing. Otherwise I'd have every angle worked out. When I say "angle," I mean all the important evidence.

And I don't mean to sound —

Q. I understand what you mean, Doctor. You like to be prepared.

A. I like to be prepared.

Q. So, when you figured you'd come —

A. I'd have got all the details.

Q. But you had only a day and a half to come in?

A. Yes. I didn't know about it.

Q. Now up to that time — up to a day and a half ago — you figured the only thing you had to do, or that you were called in on, was curtailing the visitations. It that right?

A. No. Maybe it was two days and a half.

Q. One day, let's say —

A. Two days at the most. He said the question had come up now of permanent custody, and I said, "How's

page 314] the boy?" He said, "Well, he's at Ascension School." That was the first I knew he was here in school.

Q. Up until the last week of October since last April?

A. I had no contact.

Q. You didn't have any contact? As a matter of fact you figured your job has been completed?

A. Yes. I was available in case either one of them had any problems. I was available. I told them to call me. I'd do anything for both of them.

Q. The first time you got the idea about the suitability of Mrs. Gorman was within the last week?

A. The last couple of days.

Q. Did you see Mr. — Who called you — Mr. Crounse or Mr. Howard?

A. Mr. Brooke Howard.

Q. You said you saw the aptitude report?

A. Yes.

Q. When was that given to you?

A. I saw that, oh, let's see.Today is Thursday. Wednesday. I studied the whole thing Wednesday night.

Q. This last Wednesday?

A. Yes.

Q. The first time you saw it?

A. The first time I saw it.

page 315] Q. You read a history in there?

A. Yes. The history and report. I spent several hours going over that that night.

Q. The history was given in there by whom?

A. By Mr. Crounse to his attorney.

F. Regis Riesenman

Q. In answer to the report there was a history in there, was there not?

A. Yes. There was also a history in the aptitude report.

Q. And that history came from Mr. Crounse — that is the history the doctor took from Mr. Crounse?

A. That is right.

Q. You remember that now, don't you?

A. Yes.

Q. Good. Then you got another history from Mr. Howard. Is that in written form?

A. Yes, a written one, that apparently he gave his attorney, separate from Dr. Morgan's.

Q. This was given to you and the Morgan report was given to you?

A. Yes. On Wednesday evening.

Q. And on that basis you were asked to come in here and testify concerning the fitness of Mrs. Gorman with respect to motherhood and her emotional stability. Is that correct?

page 316] A. Emotional stability.

Q. Did you find any testing had been done upon Mrs. Gorman, in the Morgan report?

A. Any testing?

Q. Yes.

A. No.

Q. Did the Morgan report state that any interviews with Mrs. Gorman were had by them?

A. No, I don't believe there were any.

Q. So in other words the Morgan report was based on — their findings there were based on a number of examinations and testings of Cameron?

A. Right.

Q. And *giagnoses* of his condition, and history given by Mr. Crounse?

A. Right.

Q. But there was a conclusion in the Morgan report. Is this correct?

A. That is correct.

Q. And *there* conclusion was — Well, let's say there were several.

The first conclusion was that Cameron was a fairly —

A. Bright boy.

Q. — bright boy, but he is emotionally disturbed?

page 317] A. Emotionally disturbed.

Q. Was their conclusion substantially the same as Dr. Schiller's and Dr. Ogden's about the condition of Cameron?

A. Substantially about the same.

Q. Did the report purport to give a cause for this condition?

A. No. We don't know the cause, you know, of mental illness. We speculate that certain circumstances in the home and relationship with the father and mother are conducive to this.

Q. I understand that. I say did the report by Dr. Morgan that you read last Wednesday night, did that — if you remember — purport to give a cause of Cameron's condition.

A. Yes.

Q. And what was the cause that the report gave?

A. The main thing was this child had been the product of a marriage where there was an emotionalism between both parents; that there was a lack of proper security in the home — sustained security in the home; there was constant bickering; there were changes of locale; the child was apparently hypertonic; the child, from the time of at least nine months, I believe, reacted in a very emotional manner to the influence of the parents, and that in effect he was the product of both or got in between the emotionalism of the parents.

page 318] Q. They made a recommendation in this report, too, did they not?

A. Yes.

Q. And what was that recommendation, if you remember?

A. I think he recommended that the child — that one domicile be considered for the child, in the custody of the father, and that the mother should have no contact with the child for a two-year period, giving that child an opportunity in two years to establish a more positive father-identification and less of the mother.

Q. Now I am going to read to you page 16 of the report. It will be in evidence.

"We strongly recommend that in order to save Cameron from further personality deterioration, complete custody of

him be assigned to his father, and that for a period of two years his mother and Mr. Gorman have no contact with him."

What would this indicate to you? Would it indicate that in this report's considered opinion the mother was the cause of this child's condition?

A. No, not at all. I don't think you can place the cause on any one person. I think its a combination of both people.

Q. Oh, I know how you feel. I am saying: What do you think?

page 319] A. You can take that two ways: One, the mother's influence certainly was not good, because if it were to continue the child's personality would deteriorate.

Q. That is definite.

A. Number two, the father's influence is better than the mother's, particularly now that it is going to establish a positive father identity under the influence of the father, and the mother at the end of two years may see the child if it will not adversely affect the child.

That is in effect what he is trying to say there.

Q. "We believe that Cameron can be saved by his father for a life of useful and perhaps distinguished service as an adult. We also believe he will become a disturbed and inadequate adult if he is left under the control of his mother, who appears to be emotionally disturbed. We do not question her love for Cameron, but we seriously question her competence to function adequately as his mother."

Let's go back a little. I think you understood that they had not seen — or the people who wrote this report had not seen — Mrs. Gorman.

A. No.

Q. Hadn't interviewed her.

A. No.

Q. Had no test findings.

page 320] Mr. Howard: Your Honor, the reason I — it seems to me this is kind of putting the cart before the horse.

I don't know that Dr. Riesenman can possibly say what material the Doctors Morgan had that aided them in forming

this report, and if I understand him correctly, Mr. Ferrari is now saying that Dr. Reisenman — Did they have the history from Mr. Crounse? Did they have this? Did they have the other? I don't think it is proper.

Dr. Morgan will be here. I assure Your Honor that I feel they will be willing to answer any questions submitted by Mr. Ferrari.

I don't think it is for Dr. Riesenman to construe this report or what they mean by it.

Mr. Ferrari: Your Honor, I asked Dr. Riesenman his opinion as to whom this child should be with.

Mr. Howard: This is right.

Mr. Ferrari: Please let me finish, Brooke. He asked, if I am not mistaken, whether the reports of Aptitude Associates was taken into consideration by Dr. Riesenman in forming his opinion. I believe the answer was in the affirmative.

I have asked Dr. Riesenman whether he read this report; whether it stated in there what it was based upon. And he said he had. I think he is personally qualified. He was asked to give an opinion based on this report about page 321] the fitness of Mrs. Gorman, and also where the child should be. So I don't think the line of questioning is improper.

The Court: Just what is the last question you asked? I want to know what the question is.

(The question referred to was read by the reporter.)

The Court: Do you want to finish the question?

By Mr. Ferrari:

Q. Do you know if Aptitude Associates made any tests on Mrs. Gorman?

A. Yes, just from reading the report.

Q. Mrs. Gorman?

A. Oh, I'm sorry. You are asking —

Q. Whether you know if Aptitude Associates gave Mrs. Gorman any psychological tests.

A. No.

Q. Do any appear in this report?

A. No.

Q. Now, just several more questions:

This report, you will agree, purports to give an evaluation of Mrs. Gorman. Is that correct — with respect to her emotional stability?

A. Yes. Yes. Her — Yes.

Q. Now, I believe Mr. Howard qualified you as a psychiatrist and as a psychologist, too, and you have had

page 322] a lot of experience, too.

As a psychologist, would you attempt to evaluate a person without interviewing them or seeing them?

A. In certain instances, yes; from the results of what you see, you can go back by inductive reasoning processes — that is, assuming this is correct, now; that the facts are true. It is not necessary to examine a person, assuming your facts are true. But then, it is always good to examine if you can.

Q. Well, now, if you were to examine a wife, or a husband, and were making an evaluation, and you got a case history from one or the other but not from the one you were evaluating, and you didn't have an opportunity to interview her; and you also were testing and discussing patterns with a seven-and-a-half-year-old disturbed child, would you take it upon yourself, Doctor, in your position now, to give an opinion with respect to the emotional stability of the other spouse, whether it be husband or wife, under those circumstances?

A. No. I would want to talk to both parties and probably have psychological tests of both parties.

Q. So it wouldn't make any difference if the conclusions already reached happened to be right, you would do it anyway?

A. No. I wouldn't do it. I certainly would want

page 323] to see the wife and go into it.

Q. Would you say this is the accepted procedure?

A. Yes.

Q. In both professional psychology and psychiatry?

A. Sure. Do everything you can. Talk to both.

Q. This would be the way to make it valid?

A. Examination report so that you do what you feel is in the best interests of the boy.

Q. I see.

A. You only get a one-sided story.

Q. Now you have given an opinion concerning Mrs. Gorman's stability.

A. Yes.

Q. And this is based on the history given in here?

A. Correct.

Q. And the Aptitude Associates report?

A. Right.

Q. How much of their conclusion is it based upon?

Mr. Howard: How much what?

By Mr. Ferrari:

Q. How much of Aptitude Associates' conclusion is your opinion based upon?

A. Just on that alone.

Q. No. I am asking you — They gave some conclusions in here.

page 324] A. Right.

Q. Did this have *an* basis in forming your opinion?

A. Oh, no. No. At this point had I not seen their tests and had psychological tests by a doctor who does all mine, and got a considerable report, I would have come to the same conclusion, but I would have — before I did so I would have wanted to talk to her, you see. But I have already got the history; he gave me a detailed 8-page history that I read, that I assume is true.

I am going on the basis of what he gave me as factual.

Q. Mr. Crounse?

A. Right.

Q. And that report was tabulated?

A. That is right.

Q. Well, let me ask you: Would you have had Mrs. Gorman tested psychologically, in addition to interviewing her?

A. I think I may very well have wanted to have psychological tests.

Q. If you were making an evaluation?

A. Yes, in addition to the interview.

Q. You would consider this a good method?

A. It would be the best.

Q. The accepted method?

page 325] A. Not necessarily the accepted method. Not too many have psychological tests done. Myself, I almost invariably do.

Q. Because this is the best —

A. I think this is the best, particularly if there is going to be a court proceeding. If there is not going to be a court proceeding, unless it were more specifically indicated, I think for court purposes a psychological test is the best.

Q. And certainly, if you had the time, you would probably have requested it be done in this case?

A. I always do. Sometimes both parties.

Q. Certainly. Now if I were to tell you that Mrs. Gorman had been psychologically tested by a Dr. Fred Brown of New York Mt. Sinai Hospital, a diagnostic psychologist, at the request of Dr. Ogden, and he submitted a report — and I believe that is in evidence as Defendant's Exhibit Number 1 —

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page 327]

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DONALD CAMERON CROUNSE,

having been previously duly sworn, was recalled as a witness by and on behalf of the complainant, was examined and testified as follows:

FURTHER DIRECT EXAMINATION

By Mr. Howard:

Q. Mr. Crounse, if I remember correctly, when you left the stand yesterday we were talking about the telephone conversation you had with *you* wife?

A. Yes.

Q. Now, directing your attention to between April and June of 1964, can you tell me whether or not you had any telephone conversations with your wife about your son Cameron?

A. April and June?

Donald Cameron Crounse

Q. Between April and June?

A. Yes, sir, we had a number of conversations in connection with his problems in school, his problems — unruliness at home and of course the ultimate disposition or what was to be done with regard to our present arrangement, with Cameron coming down to visit me in Virginia. On a couple of these occasions Mrs. Gorman contacted me or I contacted her and during the discussion she became very upset when I indicated that I was not willing to make
page 328] decision at that time. That I was not convinced that his visitation with me was the cause of his apparent difficulties and she became enraged and literally yelled on the phone that I wouldn't do anything and the boy was upset and she couldn't get any action out of me and this was the cause of his problems and that I had to do something right away. And I explained to her on several occasions that I was not convinced again that this was the cause, but I thought I wanted to find out what the cause was. I wanted to have him examined.

Q. And did that type conduct on her part occur in more than one conversation?

A. Several.

Q. Now, how did that behavior on her part compare with any arguments or quarrels between the two of you when you were living together?

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page 329]

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By Mr. Howard:

Q. Mr. Crounse, during the time that your wife and yourself were living together, were there any occasions when you all became involved in any discussions or heated discussions?

A. I would say quite frequently throughout our marriage.

Q. And on those occasions in what manner would she talk or speak when she was arguing with you?

A. Well, it would — Mr. Howard, it would depend. I think we might have heated discussions, but where I would say that

her conduct would compare, her tone of voice would compare during the marriage with what I felt to be her frame of mind at the time that she called me with times when we — when whatever might happen to occur, the incident that you spoke of in Charlottesville when I wouldn't do something that she wanted to be done or requested to be done, such as the episode of getting booze at 2:30 in the

page 330] morning or the episode when I refused to move out of the apartment in New York or when I thwarted any of her plans or ideas. She also, I will say, felt the same way, of course, when I brought Cameron to the State of Virginia.

Q. What were her actions on those occasions as compared to her demeanor when you had these telephone conversations with her in 1964?

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page 332]

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Q. Now Mr. Crounse, after you and Mrs. Gorman married where did you first live?

A. After we were married we first lived — she returned to Wells College which was in Aurora, New York, which she was attending at the time of our marriage and finished the second semester of her second year and I was living with her parents in Fayettville, New York, with her parents. I lived with them from about January until I went into the military service. From January until May of 1954. So, we

page 333] just more or less lived together on weekends. She attended school at Wells College from January until — well, the end of that year, but I left her parent's home in the latter part of April to come back *her* and enter the armed services?

Q. Were you overseas during the period you were in the armed sevices?

A. Yes, sir. Of course, I went to camp in Fort Gordon, Georgia and after that I was transferred to Aberdeen Proving Ground. We set up — we rented a small *apratment* in Havre

Donald Cameron Crounse

De Grace, Maryland, where we lived together until the latter part of October, when I was transferred to Germany. And Mrs. Gorman joined me in Germany in January of '55 and we lived together in Germany from 1955 until April of 1956 and then we returned here and she returned to her parent's home in Fayettville, New York. I came here and secured employment. She was working. She had a job up there for the summer and I worked here in the Post Office for the summer. Then we joined each other again in the fall of 1956 in Charlottesville where I matriculated in law school.

Q. Now, while you were living in Germany was there any particular difficulty between your wife and yourself?

Miss Harrison: Your Honor, please. I have been extremely patient for the past two days waiting for Mr. Howard to put in evidence showing emotional instability page 334] since December 4, 1961. I call upon Mr. Howard to put that evidence in and I object to this line of questioning.

Mr. Howard: Your Honor, you are the one who will have to decide this. I very definitely feel that we have put in evidence which definitely establishes an emotional instability on the part of Mrs. Gorman. As to whether it's sufficient, as her own witnesses have said, to interfere with her fitness as a mother is something the court will have to decide.

Now, I in examining the psychiatrists yesterday asked them if they obtained certain history from Mrs. Gorman before they attempted to examine her. I told Your Honor, that I had evidence which would support each of the incidents that I ask them about.

Now, Mr. Crounse, subject to of course, the court's ruling is prepared to testify as to each of these episodes that I questioned the psychiatrists about.

Now, if I understand Miss Harrison's objection, she is saying that she does not feel that I have the right at this time to introduce evidence of the emotional instability of Mrs. Gorman during the period of time she was Mrs. Crounse, because to this point I have not submitted to the court any evidence of instability on the part of Mrs. Gorman since December 1, 1964.

Donald Cameron Crounse

I again repeat, sir, that I feel that the
page 335] evidence of Dr. Riesenman and the evidence so far of Mr. Crounse, plus the testimony of her own doctors substantiates the fact that there is an emotional problem as of now and for that reason, sir, I feel that where it is a pattern, the same as if the question of adultery was involved in this case, if we were seeking to modify because of adultery, as as of now I think we would have a right to go into any adulterous behavior of Mrs. Gorman during the time she was married to Mr. Crounse to show a pattern of behavior.

There are two things I want to do at this point or one particularly. Primarily is establish these episodes that he used to question the psychiatrist, but at the same time since it has come up, I submit to the court we have a right to go into her episodes of emotional instability during the period of time she lived with Mr. Crounse.

Miss Harrison: The history which Mr. Howard is commenting about, all of the facts of that history are facts which allegedly existed before 1961. The same evidence which he desires to elicit now from this witness.

As I recall the evidence of *complainants* case which does not include our doctors, the only evidence before this court which could in any way substantiate any conduct of alleged emotional instability of the defendant is Mrs.
page 336] Crounse's statement, I believe two telephone conversations with the defendant and Mr. Crounse's statement, I think positive statement about two and an allusion to several others.

Now, I submit this is not sufficient, substantial, original evidence to open the flood gates to all of the evidence which was *hear* presumably by this court and posed upon in rendering its decision and decree in 1961. Presumably that evidence was considered behind that decree. As Your Honor, stated yesterday, the court does not want to go into that. I would just like since 1961. He is bound to do that by the rule of evidence.

Mr. Howard: Whatever I am entitled to *his* what I want. I appreciate your being patient with me. It's up to the court. I am not trying to take up unnecessary time, Your Honor, as I said before.

I feel that she just said something I don't quite understand.

Donald Cameron Crounse

This about the doctors' testimony is not a part of my case. This is very true, sir, it is not, but it would certainly seem to me that it's a part of the overall picture that the court has to evaluate at this point.

Now, what could we do in order to establish emotional instability? This *wife* has not lived with his ex-wife for what? Three or four years, whatever it is. So, what we page 337] have to do is *gon* on the basis anything that has transpired between the two of them since the separation, plus the other evidence that has been produced before the court.

The Judge: In a case of a difficult type the character of evidence which is admissible might be different than in a case of this kind. Unfortunately, the kind of people parents are is a matter of interest to the court in considering the child's welfare. The court is determined to let the evidence be heard. Objection overruled.

Miss Harrison: Note an exception, please.

By Mr. Howard:

Q. Mr. Crounse getting back to the time you lived in Germany, was there any particular difficulty between your wife and yourself over there?

A. Yes, sir, we had because of my assignment with the Information Education Division of the Armed Forces in Heidelberg, I had to travel a great deal throughout the Army stations in Europe. And I think this was a strain on the marriage and our relationship with each other. And there was an occasion, if you are referring to the specific evidence?

Q. Yes.

A. Well, I do recall a couple of incidents that stood out in my mind.

page 338] Q. Let me ask you — I don't want to interrupt you. Do you know of your own knowledge at this time, whether or not your ex-wife knew her present husband during the period of time you were in Germany?

Miss Harrison: Your Honor, please, he is leading his own witness.

The Witness: No.

Mr. Howard: Pardon me.

The Witness: No, she came overseas on the boat with her present husband's brother.

By Mr. Howard:

Q. Were there any episodes?

A. I came back from a trip on one occasion and she had spent the night in his apartment.

Q. In whose apartment?

A. In the apartment occupied by Mr. Gorman and two other fellows and I questioned her about it and explained that I thought this was a little bit unusual. She got quite upset. She admitted she had been going out with this fellow, had kissed him, made love to him in my absence.

Q. When you came back from overseas, did you come to Charlottesville to live?

A. Yes, sir.

Q. During the time you lived in Charlottesville
page 339] were there any discussions between your wife
and yourself with reference to her desire to be
married?

A. Yes, on numerous occasions, Mr. Howard, she expressed to me her disgust with keeping house. She said she didn't want to keep house. She despised it. Maybe she wasn't cut out to be a mother at this point in her life. She said that marriage was a mistake. She said she wanted to — She felt she had made a mistake, that she didn't like this housekeeping. On one occasion — I tried to help her out most of the time with work around the house. I told her because of my studies I couldn't continue to do it for the time, because I was working as well. She said, if you can't do it get a maid. And I just figured that I had insufficient funds to do that.

Q. Now, Mr. Crounse, during the period of time you were at the University of Virginia, did you, in the capacity of a coach or participant, did you have anything to do with the debate team?

A. Yes, sir, I was one of the assistant debate coaches.

Q. Did there ever come a time you made a trip to Philadelphia?

A. Yes, sir, I escorted the team.

Q. Where were you and your then wife living then?

Donald Cameron Crounse

A. Charlottesville.

page 340] Q. In an apartment or in a house?

A. First floor of a home; a house.

Q. Did you return to Charlottesville the same day that you left?

A. No, I returned — I forget whether — as I recall I returned on a Saturday evening or early Sunday morning at 2:30.

Q. Now, *escuse* me, I want you to go into detail about this incident.

A. Well, I came home, pulled up, the house was dark. And as I pulled up my wife and — then wife and a group of people pulled in behind me and my wife was carrying the baby and bringing the rest of these people. She had been to a party at a private home and they were a group of people she knew and she came into the house.

Q. You say, she. You mean the then Mrs. Crounse?

A. Yes. She had Cameron with her. And after getting in the house and talking with her I felt she was under the influence of intoxicating beverages. She had been drinking. The rest of the people were in a party mood. They came in. She put the baby to bed and then came back out and started to look for some liquor. She said, we don't have any in the house; go and get some. And I said, "Well, I can't it's 2:30 in the morning and the liquor stores aren't open." She

page 341] said, go get some beer. I said, "You can't buy beer in Charlottesville after 11:00 o'clock." She said, go to the fraternity house and get some beer. She said, you know a bootlegger in town, you went to school here, go out and get some liquor. *Adn* I refused to do it and she flew in to a rage, cursed me in front of these people and screamed at me and hollered at me and said, you don't like my friends. She went *in'* the bedroom and slammed the door in front of everybody. I asked the people if they would mind leaving and they didn't and that was the end of that.

Q. All right. Did you ever attend a theater in Charlottesville?

A. Yes, Mrs. Gorman and I had definitely different opinions as to the question — In Charlottesville they were having — this was when they were having — the federal courts were making decisions about segregation laws and integration

laws and validity laws and they had just integrated the Charlottesville School and they had some riots down there and we had quite a bit of difficulty. We went to the movie.

Q. When you say we, who did that include?

A. Mrs. Gorman, myself, Mr. and Mrs. Wayne Lustick, as I recall, a law school classmate of mine and Mr. and Mrs. Briggs, a classmate of mine. And the movie was just letting out, the show was ending. It was right crowded

page 342] and they started to go up the stairs toward the balcony.

Q. They? Who do you mean by that?

A. My wife, then wife, Mrs. Gorman, Mr. and Mrs. Lustick and Mr. and Mrs. Briggs. And I said, "We can probably find seats down here. That's reserved for colored people. Let's go in here." So, they went up. I said, "I am not going to sit up there." And I went in and found seats available for the — for us all. I went back up and asked my wife to join me and she refused. Thought I was being ridiculous and she was causing a scene. I said, "O. K., fine." I went back down.

Q. When you say she was causing a scene, could you just amplify on that a little?

A. She didn't scream, I don't mean by that in the theater. She just turned to me and forcibly said, — I don't recall the exact words.

Q. What?

A. She was angry, very angry. I caught it later. She raised cain later when she got out of the theater and she fussed at me about it considerable.

Q. Was *ther* ever any discussion between your then wife and yourself, about beer and liquor, as far as the child was concerned?

A. Well, yes, —

Miss Harrison: If it please the court, pardon

page 343] the interruption. This sounds to me like a question that sounds like the answer to the question of morals. I submit Your Honor, that is not an issue to the case. I object to the question.

Mr. Howard: I definitely say that is true. I am only attempting at this time —

The Judge: Reference has already been made to an in-

cident in which the then Mrs. Crounse is supposed to have given beer or liquor to the child and I assume this is the same incident. Objection overruled.

Miss Harrison: Note my exception.

The Witness: We had a discussion — discussions about this. I was definitely opposed to giving the baby liquor.

By Mr. Howard:

Q. Did anybody ever give the baby any whiskey or beer?

A. She gave him a sip of beer or wine, small amounts. She may or may not have given him liquor.

Q. Do you know this of your own knowledge?

A. Yes.

Q. Did you have any discussions with her about it?

A. Yes. I told her I objected. She said, it was all right. That even doctors advised giving your children beer.

page 344] Q. Now, did there come a time when you were in Charlottesville that you went down to Roanoke to take the Bar Examinations?

A. Yes, sir. This was in the latter part of June of 1958. Latter part of June 1958, I went to Roanoke to take the Bar Examinations.

Q. And did your wife go with you?

A. No, sir, I went with Mr. Wayne Lustick, a classmate of mine.

Q. When you returned from taking the Bar Examinations in Roanoke, was there any difficulty between your wife and yourself?

A. Yes, when I returned from taking my examinations — I walked in the door that evening and she told me she was going to leave. She didn't want to continue the marriage. She said she thought it best, that she wanted to break up the marriage at this point. She didn't want to live with me anymore and she had waited until after I had taken the exam to tell me, because she didn't want to interfere with the examination. Wanted me to have my mind on the examination. So, the next — We discussed it the next day or shortly — I think it was the next day. The day after I made arrangements to — I think that was the time. Then we went to see an attorney, Edward Dietz.

Donald Cameron Crounse

Q. Who arranged that appointment, if you
page 345] know?
A. I did.

Q. All right.

A. To discuss the possibility of what grounds, what the problem was and I talked with Mr. Dietz, my wife did, we talked to him together and after being advised that there were no grounds of divorce we left the lawyer's office. I am not sure of the sequence of the events that happened afterwards or before it. We left the office and she became extremely hysterical, just went out of all proportion, completely hysterical, screamed and hollered to the point where I had to drive her to the Scott Stadium. It's a football field, where I *though* nobody would be around to hear her screaming. She got out of the car. She said she wanted to go to her parent's home. I agreed. I said, Let me call your parents. I will pay for your trip. You need to get away and go to your parents. She calmed down a little bit and then we discussed where she was going and what she was going to do and I told her I needed some time to think about it.

I think it was a weekend there or coming up and I went — I think maybe this happened before we saw the lawyer. I went — I took Cameron with me and I came up here to Arlington and I visited my parents here, spent some time with a preacher and then I went back to her in Charlottes-
ville and I told her I was not willing to let
page 346] her take the child. That if she wanted to leave
she could leave alone, but I told her that I would not sue her — I wouldn't use her leaving as grounds for divorce. — I wouldn't sue her. Use it for that, because I wanted her to stay, but she wanted to go to New York to pursue a writing career as she explained to me. I put her on the plane and she left. This was, I would say, the first part of July and I stayed with the baby.

Q. How long did she remain away on that occasion?

A. She remained approximately, to my best recollection about six weeks. She went up to visit with her parents and I — after repeated requests from me to return and repeated requests, she indicated to me, insistence on her parents — by her parents she finally did agree to come down. She did come to Washington. She secured employment here in Washington.

I don't think ever reported to work. She did call me in August and said, if I would still have her back she would come back. This I agreed to do. When I came up to talk to her — I came up to make an investigation about her conduct with a classmate of mine. It was at that time she got very upset with me.

Q. Because of what?

A. Because I mentioned that I thought this was wrong. That she had —

Q. That you thought what was wrong?

page 347] A. That she had committed adultery in our house.

Miss Harrison: Objection to that.

Mr. Howard: This only substantiates it. Not any attempt on my part to affect the moral character. It's a part of history.

By Mr. Howard:

Q. Did you all discuss this incident?

A. Yes, as a matter of fact when she did return I think. This one occasion — one event — I would ask that you stay away from this boy and would not see him. Well, she told me in no uncertain terms, Mr. Howard, this was absolutely ridiculous, we could carry on as we had before. We should be *friend* with them, go to their home, have them in our home, that is the fellow and his wife that she had slept with.

Q. Did she make any admissions about that?

A. Oh, yes, she admitted it 100 per cent. She threatened to leave me again unless I personally called them up and invited them to our home.

Q. Did she ever express any regret about her behavior with this man?

A. She said, no, it was an experience she would never forget and her words were, the only regret she had was that she had done it with somebody who had a big mouth to talk about it.

page 348] Q. Did you know people when you were living with your then wife, by the name of Frizell in Florida?

A. Yes.

Q. Did you ever visit in their home?

A. Yes. After — as I recall this was after this episode with

this — my classmate that we went to Florida.

Q. Did anything unusual happen while you were visiting in their home?

A. Oh, yes. We took Cameron with us and we went to their home in Fort Lauderdale, Florida. And I think we had been there for a couple days and on one evening she was in a discussion with Mr. Frizell about segregation and they got into the discussion about southern people, which she seemed to think were all bigoted and she couldn't understand how — well, they discussed it back and forth and she thought — she got quite heated about her opinion and at this point — at first I wasn't in the discussion. Then I entered the discussion and I suggested to her that she shouldn't chastise all *peopel* because they had a different viewpoint from the one she had. And I thought she ought to consider their view point. She flew into a rage. She really let go with some of the foulest language I have ever heard, directed not particularly at me at first, at my father. That's in the deposition that she called him all sorts of names and then in order to stop page 349] her screaming, they had jalousie windows in their home. It got to the point where some restraint had to be made. I went over and told her to *guiet* down. I told her if she didn't quiet down I was going to have to use force and she kicked out at me. I walked over to her, she kicked at me and I picked her up out of the chair and walked across the room and sat down in a chair and pulled her down in front of me. And this time she was going to call her father. She was hysterical, completely out of control. This was a late hour in the morning or early hour in the morning, somewhere around 2:00, I believe she at this time, she tried to call. I said, "No, she wasn't going to make calls in this condition." Well, she grabbed the phone and almost pulled it off the wall. I finally did call her father and she did talk to her father that evening.

And after she was calmed down, the next morning, she said, she could remember very little of it. She did recall being upset. She apologized for her conduct.

Q. Was your son Cameron there on that evening?

A. Yes, he was. He was asleep in bed.

Q. Were there any incidents of any mistreatment of Cameron?

Donald Cameron Crounse

A. Well, there were two occasions. One at this time in Florida and one at an earlier time.

Q. Tell us what happened?

page 350] A. Which Mrs. Gorman related to me. I was not present at either of these occasions. I was called either by Mrs. Gorman or someone that Cameron — No, no, I was called by Mrs. Gorman. That upon returning to the house one day, Cameron was at this point just a little tot, he was just barely walking and as I recall she indicated he had started to go out into the street and a car was coming and she grabbed Cameron by the arm to pull him out of the street and apparently pulled too hard and yanking, dislocated his arm.

Then, on another occasion in Florida, she related that he was going over from where the Frizells lived — next door they were constructing a home or something and she had told him to stay out of the yard and he went over there in disobedience. When she found out she went over and grabbed him by the arm to pull him back and again dislocated the same arm, requiring medical treatment in both cases.

Q. Were there any other occasions when your then wife was critical of either her own parents or your parents?

A. Oh, many occasions she was critical of my parents. Practically constantly throughout the marriage. When they would attempt to do things for her she would be critical of them. I wish they would quit sending this junk down. My mother would send aprons down made by hand.

page 351] They would buy certain things for us. She was very critical at times of her own parents. She referred to them as "bourgeois slobs," because they didn't have the intellect that she professed to have.

Q. Did she ever consult a lawyer in Syracuse, New York about divorce, do you know?

A. Yes.

Q. Where were you living at that time?

A. In Charlottesville.

Q. Was there any discussion between the two of you all about a mental cruelty statement?

A. Yes, sir, apparently this lawyer was a friend of the family or that is of her parents. An appointment was arranged for both Aneen and myself. We went to her parents' home.

I believe at that time they had moved and were living in Cazenovia, New York, which is not too far from Syracuse.

The appointment was set up where both of us went into see the attorney. Mrs. Gorman went in first, talked with him, came out and then I went in and talked with him. And he suggested that the marriage, according to Mrs. Gorman, was at an end and could we resolve the matter peaceably by separation agreement and would I agree to an Alabama divorce? And I said I would not agree to an Alabama divorce. I questioned the validity of it under the circumstances

page 352] and that I did not desire to give up the custody of my son. And so, — but I said, I would consider it. And he said he was going to write something up and send it to me and I said, I would consider whatever he wanted to draw up and so we left and returned to her parents' home.

Q. Now, were you living in Charlottesville then or New York?

A. Charlottesville. Oh, wait a minute. Wait a minute. No, no, I correct myself. I believe we had moved to New York. I believe this was in the fall of 1959. I believe I was living in New York at that time.

Q. While living in New York was there ever any dispute or difficulties, specifically, in about one occasion when your child was sick?

A. Things deteriorated right badly when we — after we were in New York for a while. There was one occasion where Cameron had gotten a cold and he was in bed and we had had — he had a very bad cough and I had — we had gone to bed and Cameron was crying — woke up coughing very badly and Mrs. Gorman got up to go give him his cough medicine and apparently he didn't — wouldn't take. Aneen couldn't get it down him for some reason. He would not take it. So, she then — then she yelled, you had — she yelled, you can — If you don't want it you can cough your *dam* head off as far as I am concerned. She came back in

page 353] the bedroom and said, "get up and see what you can do with him." I did and he took it. I went on back to bed.

Q. Was there ever any occasion about orange juice — giving your child some orange juice?

A. Yes, on one *occasions* the boy had requested some orange

juice and I asked him to put the cup on the counter. No, he wanted to hold it. And I think everybody was quite nervous then at this time and I did attempt to pour the juice and he spilled it and I hollered at him. Then I called him stupid. And Mrs. Gorman came in and really lit off, jumped all over me about it. Called me mean, despicable, quite a few names and said — The boy just looked up at Aneen and said, "No, no, no, that's my daddy." She did come back by the way and put her arm around me and say, "No, I didn't mean that Cam." To try to give the boy a feeling that it was just — she didn't mean what she said.

Q. Did your father ever visit you and your then wife while you were living in New York?

A. Yes, we invited them up for Christmas of 19 — this was '59, 1959.

Q. Anything unusual happen on that occasion?

A. Yes, we were sitting down, either at Christmas dinner or the day after Christmas and I believe Aneen and my father

page 354] got in a discussion about, as I can best recall it was an authority in literature or something and Dad jokingly said — Aneen had mentioned that — had stated that Winston Churchill was an authority in our literature. And Dad said kiddingly — said, "He didn't consider Winston Churchill an authority on literature." She just jumped up from the table and grabbed a hold of the table and just went into a *treffic* rage and screamed at dad. I grabbed the boy and went in the living room and then they had a conversation. I don't know what it was. I took Cameron and went in the living room until she calmed down.

Q. Was there ever a time when you all were living together when she pursued or attempted to pursue a writing career?

A. Well, this was when she left in the summer of 1953.

Q. During the time you were living in New York with your wife, did she ever go out with other men?

A. Well, after this Christmas occurrence, then she told me that she wanted — Apparently, she told my father that she was going to leave me. Then I found out she wanted me to leave, get out and get an apartment or room and pay her and let her stay in the house — in the apartment we had and work some arrangement where — then I could see Cameron

and everything would be hunky-dory. That she
page 355] wanted to — that the marriage was ended as far
as she was concerned. She had refused to cohabit with me sometime around January. Then on one occasion I came home and I intercepted a phone call from Mr. Gorman, her present husband. And the evening that I was there he called. I asked — she shooed me — she told me to get out of the room.

Q. Home, the place where you and your wife were living?

A. Told me to get out of the room. After the conversation with Mr. Gorman I asked her who it was. She said she had called Mr. Gorman on a previous occasion, her present husband, looking, trying to find the whereabouts of his brother, Tom Gorman. I think it was that time or later she told me that Mr. Gorman had called. I think this was the occasion and he had invited her to dinner and would I object to this? I thought about it and I said, "Well, —." I don't know why I did. I said, "Go ahead, it's all right with me. You can go out for dinner." And she did. And then subsequent occasions arose. She met some editor. She was applying for a job. She met some editor of a magazine and she went out with him. I questioned her about it. She told me she was going out with him, but I didn't realize she was going out until 4:00 o'clock
in the morning. She said, "They sat in a bar,
page 356] kissed a few times. Nothing was done." Then she
started back on Mr. Gorman. She wanted to go out with him. She wanted to go to a concert. Well, Mrs. Gorman now, was very interested in the arts and I thought all right if she wants to go to a concert — I was busy at this time attempting to make preparation for the Bar Examination in New York. I was working in the daytime and going to this Bar Prep School so, I had very little time I had — could devote to social activities and so, I agreed to this concert.

Then she said she wanted to go to a masquerade ball or a dance. Again I agreed to this. But, then she asked me — came to me again and said, "That I had to do something." All *aong* she was insisting, hurry up, hurry up, go looking for a house, go look for a room. We were negotiating an agreement. Let's get out of here.

Q. You mean a room separate and apart from each other?

Donald Cameron Crounse

A. She kept insisting I hadn't done enough. Go out and do nothing. You're not hurrying enough. She said. "I don't think it's fair that Mr. Gorman has to take me places all the time. I would like to have him here at the house." I thought that was the straw that broke the camel's back, I guess looking back on it. I said, "If Cameron is in bed I will go down to the local pub." Which I did and he came there page 357] only for a short time. Then I understand he left. And then the next request, as far as, Mr. Gorman was concerned and — Mrs. Gorman asked me to permit her to take Cameron with this man for a drive out in the country. This I absolutely refused to do.

So, things had gotten to a point where it was — something, a decision had to be made. I had talked to Aneen. I told her this pressure was too much. I wanted to go away to Virginia for about a week to think about it and I would like to take Cameron with me. Well, she didn't like taking Cameron too much, but it had got to the point where I had to do something.

So, I then notified my present employer of the situation, which he was aware of and the law firm and I told him I had to get away. I wasn't sure at that point the — what the future had in store for me, but because it interfered with my work I had to give him my resignation to leave or take a leave of absence because I didn't know if I was coming back or not, but the possibility existed that I would.

So, Mrs. Gorman, had in the meantime found employment and she had put Cameron — we put Cameron in a day nursery school for a half day. So, on the day — I think it was the latter part of February, I think it was the 28th day of February, if I am not mistaken, I went to work, I had made my page 358] decision. Mrs. Gorman knew that I was leaving — that I was leaving and I doubt — I don't think she knew that Cameron was going. I left her — I went to work and picked up my pay check. I packed my clothes, Cameron's clothes, I paid the rent for the ensuing month, all the bills and left her $200.00 in the bank. I left a note I was going to Virginia for a vacation. I was taking Cameron with me. That I would call her upon my return.

I called her at the office, at her place of employment and I advised her before I left that I was leaving, that I was taking Cameron with me. She said, "Well, don't take the boy. You

better call my mother and call my attorney." I figured she could call her own attorney and I did call her mother and tell her I was taking the boy as well. Then I departed. In 1960, I came to —

Q. Let me ask you this Mr. Crounse, where were you living in October of 1960, do you recall?

A. Well, then I came in March — I came here and I then started residing with my father, my parents with Cameron and I thought — I made the — my decision. I went to Charlottesville. I was out — actually out of work, I suppose that month primarily. I was sick and I had to have some medical care.

Q. Do you recall where your son Cameron was
page 359] living in 1960?

A. May I lead up to that, Mr. Howard?

Q. O.K. All right, I am sorry.

A. Cameron was living with me from March until approximately May or June and then in June Mrs. Gorman and I reached an agreement, whereby I told them I wouldn't return the child to New York City. She indicated she would go up and live with her parents if I would permit the child to come up and spend the majority of the summer and we would try to resolve it and the child would be returned to me in September. I stayed down here. I took the child to Cazenovia, New York where she had decided to move up to. And in September she did not return the child to me as she had agreed to. So, the child remained in Cazenovia until — I think this was in October of 1961 at that point. Now, at that point I believe I filed suit in the court.

Q. Any particular reason you filed suit at that time?

A. Yes, there were negotiations with my then counsel and her counsel. She said something had to be done. And we filed suit and she would accept service and she would submit to the jurisdiction of this court as to the custody and divorce.

Q. Who had the child when you filed the suit?

A. Mrs. Gorman had the child.

page 360] Q. Did that fact have anything to do with your filing the suit?

A. Yes, sir, definitely. I did not — I was of course at that time, with the history I questioned her ability to perform as a mother. I have always done that. I have always questioned

that. Now, at this time after I filed suit she agreed to let the child come down, I believe for Thanksgiving. I believe this was November for a visit with me and only on the assurance that I would — I would return the child and the assurance of my counsel that I would return the child. I did — she did send the child down. I did not return him.

Q. Was that before you filed suit or after?

A. That was after I filed suit.

Q. Was that any part of the agreement with your filing of the — a suit affecting her sending the child down here?

A. It was part of it, yes. Well, no, I don't think the suit was filed before the child was sent down. I don't think that was — I don't think she was going to send the child down and then after the suit was filed it was a big discussion, because she hadn't returned the child as she had agreed to. Sort of double crossed me.

Q. Mr. Crounse, are you desirous of retaining custody of your child?

page 361] A. Absolutely, Mr. Howard. I think it would be a tragedy if I don't.

Q. What if anything have you done to try to relieve the condition that has been described your son was in when he came down here in June of this year?

A. When he came here in June of this year I had planned to and been advised to, Mr. Howard — I sought the advice of every person I knew who could possibly give some light on it, to my boy's problem. I contacted a psychologist. The psychologist had a series of tests run. I told him to do anything and everything that was necessary.

Q. What was the name of that psychologist?

A. William Morgan.

Q. Was Cameron receiving any help from Dr. Morgan at this time?

A. Yes, sir. Since that time and as soon as I was able to secure Cameron I had him tested, diagnosed and he is being seen regularly by the psychologist. I in line with his advice I enrolled him in a private institution, the type of institution that was *though* best for his care and development. And of course I have done everything that I can or am attempting to do everything in my power to give him the help with his therapy and training.

Donald Cameron Crounse

Q. Do you spend any time with your son Cameron?

A. I would say I spend as much time as I can
page 362] which to me — I am up with him in the morning
before he goes to school. I am there when he goes off to school. I am not with him when he is in school. I am there with him approximately an hour or so after he comes home from school and I stay with him I would say six nights out of seven with him at home and I am with him every weekend.

Q. Do you ever take him any place?

A. I am with him, as much as, any place we go we always go together. That is trips. We have been camping. We have been fishing. We have been to ball games. We have of course played around the house. We have been to museums. I have had his classmates over to stay with him and visit with him. I have taken him to various picnics and in an family atmosphere to give him as much stability as we can.

Q. If Cameron is at home when you arrive, what is his reaction?

A. Well, for years we have always had a sort of little habit when Cameron and I meet. He is a very affectionate little boy. He has always been even from a little tot. Jumping up and throwing his arms around me and even to this day he does that when I come home in the evening. Whatever, he is doing, if he is in the yard playing, he will stop and he will run to me. I would say it's a normal father-son relationship.

page 363] Q. Is your present wife good to the child?

A. Excellent.

Q. And if the Court does permit the child to remain with you, do you have any intention with regard to continuing any treatment the child might need to correct his condition?

A. Absolutely, Mr. Howard. I think everyone agrees he needs care. Not only what the doctors can do, but the best care that is necessary for his treatment.

Mr. Howard: I think that's all.

Miss Harrison: If it please the court, before I begin my cross examination of this witness, I would like the record to clearly show that the defense has objected to the admissibility of the evidence that has been related prior to 1961. And in

the face of the court's earlier ruling, overruling my objection, I wish the record to note my exception. My cross examination will be made solely on the court's present ruling, for the moment it is admissible.

Mr. Howard: Your Honor, would you — I have overlooked asking him something. If Your Honor will pardon me I won't even stand up.

By Mr. Howard:

Q. Mr. Crounse, with reference to certain history given by your former wife to Dr. Ogdon, it appears that your former wife told Dr. Ogdon that you kidnaped your son for three months. I just want to ask you, did you do page 364] that or not?

A. That is what she referred to when I thought it was best to take the child out of the circumstances in New York.

Mr. Howard: That's all. Thank you, Miss Harrison.

Miss Harrison: You're welcome, Mr. Howard.

CROSS EXAMINATION

By Miss Harrison:

Q. Now, Mr. Crounse, you have related a number of incidents to the court. Mr. Howard apparently was reading from a document and was reading from it yesterday. I assume that document is with the court?

Mr. Howard: Now, if your Honor wants to know what document I was reading from or Miss Harrison wants to know and she is entitled to know, I dictated some notes to my secretary and she typed them up.

By Miss Harrison:

Q. Was there a decree that contained these facts?

A. They were all in the Bill of Particulars.

Q. Pending in the divorce action?

A. We — those facts were never brought in at the divorce.

Q. They were pending in the suit and were part of the record prior to the decree of divorce entered by this court in

this case, is that correct?

page 365] A. There was no evidence presented in the court, but they were in the Bill of Particulars.

Q. That's not in response to my question, sir. They were part of it?

The Judge: I think he has answered the question, Miss Harrison.

By Miss Harrison:

Q. Now, Mr. Crounse, all of those incidents you did relate, there is no question they are activities and attitudes and opinions that existed prior to December 4, 1961, is that correct, sir?

A. Yes, Miss Harrison, they were actions that occurred prior to that time, December 1961, yes.

Q. Mr. Crounse have you ever been in New Canaan, Connecticut?

A. Yes, on a number of occasions.

Q. Have you been in the home of Mr. and Mrs. Gorman?

A. Not the one they are living in now. They had a tragedy, their house — home burned last February. I was in that one.

Q. You have. However, have you not been up to get the child on various occasions, are you able to relate to this court any incidents of the nature, which you have described relative to the period of time prior to 1961, which has transspired subsequent to that time of your own

page 366] knowledge?

A. When I visited in New Canaan?

Q. Yes, or just the general conduct of Mrs. Gorman.

A. No, when Mrs. Gorman and I came in contact with each other on my visits to New Canaan, and by they, the child was there, the only thing I could say was she turned around and she seemed to be very emotional a couple of times when I took Cameron away from there and she turned around and walked in the house. No *outbusrsts* or anything of that nature.

Q. And to your knowledge no incident in any way connected with or related to any of this long history which you have related to the court?

A. Other than what I have testified there —

Q. The answer is, no?

Donald Cameron Crounse

A. I didn't live up there, Miss Harrison.

Q. All right, sir. Mr. Crounse, you said you were in the home of Mr. and Mrs. Gorman, the home that burned, can you describe that home, please?

A. Yes, it was a two story colonial home with — I would say in some respects similar to my parents' home only *there's* was frame rather than brick. It had — you walked in the living room. It had a fireplace. It was a long living room, which to the right as you walk in the front door there was a side porch you could walk out on.
page 367] They used it in the summertime and you — to the right you could go upstairs. To the left was the dining area which was divided in sort of a — I think she had a book level *ro* book divider there. Then the kitchen in the back and a study of some sort in the back of the house and a small back porch. Upstairs there were — was their main bedroom, what we refer to as the master bedroom. There was a guest room. There was a smaller room for Cameron, which Cameron *occuppied* and then there was — I guess, you call it a powder room. I think they turned that into a nursery It's a small place. And of course a bath upstairs and a bath downstairs and a very nice yard.

Q. And it was nicely kept?

A. The times I was in it, yes.

Q. Now, sir, directing your attention, I am afraid, to the beginning of your direct testimony yesterday, I believe you stated on direct examination that when Camie first came to live with you in late June or early July of this year, I believe you described him as very nervous, poor deportment, poor eating habits and manners and some other general language, I assume you were referring to the period of time, the earliest period of time he had come into your household at that particular time, am I describing the correct time period?

A. The early — the first two weeks of the month
page 368] of July.

Q. When he was with you?

A. That is correct.

Q. Now, Mr. Crounse, it is a fact, is it not, that on June 30th of this year, without advising Mrs. Gorman or without any knowledge on her part, that you were about to do so, you came to East Hampton, Long Island and carried the

child off?

A. I came to East Hampton, Long Island —

Q. Answer the question, yes or no.

The Witness: May I explain, Your Honor?

The Judge: Yes, you may.

The Witness: I came to Long Island after being faced with the advice of my former wife. One, that she was already in default of the court decree which is now in existence in this decree. She had defied it. She told me she was not going to comply with it unless I would agree to her terms, which was I would agree to only have Cameron for the month of July and I would post, originally a figure of $5,000.00 was mentioned and later it was lessened to $2,000.00 or *$.,500.00.* So, I was between the devil and the deep blue sea. I felt I had to do something. It was evident I was not going to be allowed to see my child unless I agreed to her terms. I didn't want to have to resort to this, but had I not done page 369] that we wouldn't be here today. We would be litigating in Connecticut.

By Miss Harrison:

Q. Well, now, sir, with your own explanation — in fact I am trying to establish the fact, you did on June 30th, come to East Hampton, Long Island and you did carry the child off?

A. I did carry the child off, that is correct.

Q. You did not advise Mrs. Gorman ahead of time you were coming?

A. I did not.

Q. And it was five hours after you took the child that you advised her that you had the child?

A. That I advised her?

Q. Yes, that she was advised?

A. No, she was advised before that.

Q. By whom, sir?

A. My wife.

Q. Is that your testimony, your wife called Mrs. Gorman?

A. No, Mrs. Gorman called her.

Q. When did you call her?

A. After I was out of the State of New York.

Donald Cameron Crounse

Q. How long after?

A. It was four or five hours.

Q. Mr. Crounse, you have related that you knew
page 370] Mrs. Gorman called your wife and therefore she
knew that you had the child. Did you at that time
know that?

A. No, I did not know that. Well, I — I didn't know that, but I knew that probably she would call and so therefore, I had made a telephone call to my wife prior to the time that I had called Mrs. Gorman to so advise my wife.

Q. But so far as any positive steps you undertook, it was five hours, is that correct?

A. That is correct.

Q. Now, sir, I want to direct your attention to the allegations of your petition, if I might.

A. May I have a copy of my — Mr. Howard, do you have a copy? All right, Miss Harrison, I have a copy.

Q. All right. Well, directing — Well, first of all, on your direct examination yesterday, I believe you stated that your wife, as well as, the doctors suggested that the summer visitation should be curtailed. I believe you stated, did you not, that your wife had not suggested that the visitations were responsible.

A. No, she suggested that the visitations were in part responsible. She did not —

Q. This was your testimony of yesterday?

A. Yes. She did not attribute this entirely — entirely to
this. And my testimony was that the doctors
page 371] advised me that the visitations should be cur-
tailed. They did advise me that.

Q. Directing your attention to paragraph five of the petition, what, sir, do you mean when you use the language, "Confirmed her suspicions in this respect and told her in affect that the summer visitation privileges were largely responsible for said condition?"

A. That is what Mrs. Gorman said to me.

Q. In affect, that means that you have not quoted what she said to you, but paraphrased?

A. That's correct.

Q. Well, are you saying in affect she said that the summer visitations were largely responsible for said condition?

The Judge: All right.

By Miss Harrison:

Q. Now, Mr. Crounse, the petition states that these conversations relative to the condition of Cameron began in the fall of 1963?

A. Correct.

Q. And what time of the year, to refresh my own recollection, did you go to New Canaan to speak to these doctors?

A. My recollection — well, now, my first conference — Well, my first and only conference with Dr. Ogdon and Dr. Miner were in November — either the — in November of 19 — the latter part of November of '63.

Q. That was the time at which you thoroughly discussed the situation with those doctors?

A. Dr. Ogdon and with Dr. Miner.

Q. Did you speak to Dr. Schultis?

A. I spoke to Dr. Schultis in the spring, in May. Yes, in May. And at that time I also discussed the matter with the teacher. In the fall, in November Miss Feloney and I discussed the matter. Again with Miss Feloney in May.

Q. Now, sir, was it not the suggestion of Doctors Ogdon and Miner and Mrs. Gorman in accord with them, page 377] was it not their idea, the situation of the child could be improved if the summer visitations were shortened? Is that your idea or their idea, the doctors?

A. Well, it was their idea that this was a step in the right direction in the treatment of the child, but they couldn't give me any causal reason for this emotional instability on the part of Cameron — emotional disturbance. That is what I was looking for.

Q. All right, sir, this was in the fall around December, correct?

A. That is correct. As well as, to find out whether he had a problem, of which I was convinced.

Q. Now, sir, did not Mrs. Gorman request and suggest that if you were not satisfied with that conclusion that you have the child examined by doctors of your own choosing in the locale of your own choosing?

A. We discussed this, yes, yes, we did.

Q. Now, sir, when was the first — was it not in April of

'64, was the first time that you undertook so to have the child examined by a doctor of your own choosing?

A. That is correct, because at that time my wife informed me from the time — from November until shortly after the first of the year she was having — she was continuing to have the boy examined by Dr. Schultis in New Canaan.

page 378] Q. You were satisfied?

A. I wanted to find out what his reports were. He said, he had to work with the boy for sometime to determine the cause he had to work with him sometime. He was also meeting in conference with the Gormans and I said, well, fine.

Q. Well, it was Dr. Schultis, sir, you disagreed — it was the conclusions of Dr. Schultis that dissatisfied you?

A. No, no. What conclusions are you referring to, Miss Harrison?

Q. Conclusions perhaps with reference to cause that you have explained you were concerned with?

A. He couldn't give me any cause either.

Q. You were dissatisfied with the conclusion of Dr. Schultis?

A. No, he didn't give me any conclusions. That is what I was looking for, Miss Harrison.

D. In other words, Mr. Crounse, the doctors, the pediatrician and the child psychiatrist who were seeing the child and treating the child were interested in helping the child rather than discovering the cause?

Mr. Howard: Your Honor, I object to that question. I don't really follow this to be honest with the Court. How does he know what they had in mind, what these doctors

page 379] had in mind and so forth and so on. I don't think it's a proper question.

The Judge: Objection sustained.

Mr. Howard. Your Honor, we can stipulate in evidence — I will put it in as an exhibit for the complainant. It would be four, Your Honor.

The Judge: What is it you have?

Mr. Howard: It's a letter dated June 12, 1964, addressed to Mr. Donald Crounse, 801 Santayana Drive, Fairfax County, Virginia and it is signed by Francis J. MacNamara, Jr., with a copy to Mr. and Mrs. Edward Gorman, Old Rock Lane,

New Canaan, Connecticut.

The Judge: Admitted and marked Complainant's Exhibit Number four.

By Miss Harrison:

Q. Now, sir, directing your attention to paragraph seven of the complaint or — beg your pardon, petition. Referring to the spring of 1964, I believe. Thereafter, the complainant did receive a letter from an attorney, who said he was representing the interest of his former wife in this matter. Enclosed in said letter were letters — first of all a letter which has been admitted, I believe. Is this — sir, do you recognize this and isn't this the letter to which you refer at this particular point in paragraph seven of your petition?

page 380] A. That is correct. That is a letter I received. It was mailed on June 12th.

Q. Addressed to you from Mr. MacNamara an attorney with Cummings & Lockwood in Connecticut?

A. That is correct.

Q. Further, reading from the petition. Enclosed in said letter were letters from doctors who had interviewed the child and also from school — from the authorities connected with the school attended by their son. And directing your attention to the letter of June 12th, from Mr. MacNamara to you. I enclose herewith photocopies of the following letter, letter dated June 5th, from Mary Elizabeth Feloney, second grade teacher at South School.

A. I received copies of all of those letters.

Q. Do you recognize or did your receive a copy of that letter? Is that the letter to which you refer?

Mr. Howard: Who is that letter from, Miss Harrison, may I ask?

Miss Harrison: Miss Feloney.

The Witness: Miss Feloney, yes, I received this letter or a copy of it.

By Miss Harrison:

Q. All right, sir. Now, sir, in this letter from Miss Feloney—

Mr. Howard: Are you going to put the letter in

page 381] evidence?

Miss Harrison: I would like to put it in evi-

dence, Your Honor.

The Judge: This is a copy of a letter enclosed in the letter from Mr. MacNamara. This is a letter enclosed in a letter. That is the original. Where is Exhibit 4, in order to keep the continuity it would seem more appropriate to have this a complainant's exhibit than a defendant's.

Mr. Howard: Yes, I think that is satisfactory, sir.

The Judge: Admitted as Complainant's Exhibit Number five.

By Miss Harrison:

Q. Also, there is a reference, sir, to the enclosure of a letter from James V. Miner, M.D., the pediatrician.

A. Miss Harrison, to save time, if you will give me all those letters I will look at them to save time. I received all of those letters. The other three letters.

The Judge: Letter dated June 5, 1964, from George W. Schultis, PHD, to Mrs. Gorman. Complainant's Exhibit Number six.

Letter dated June 6, 1964, to Mrs. Gorman from Faith N. Ogdon, M.D., Complainant's Exhibit Number seven.

Letter dated June 6, 1964, to whom it may concern from James V. Miner, M.D., Complainant's Exhibit Number eight.

page 382] By Miss Harrison:

Q. Now, Mr. Crounse, in the letter from Miss Feloney, does she not state that: It also appears to the extent of the lessening of selfdiscipline is governed by the vacation period. The longer the vacation the greater the degree of noncontrol.

A. She states that in the letter. She didn't state that to me personally.

Q. Is that stated in the letter?

A. That's right, among other things.

Q. Which letter you received a copy of?

A. That's right.

Q. Letter of Dr. James Miner. At present time Camie leaves home as soon as school is out. As a result he has a difficult time adjusting at home and at school. This condition could be ameliorated if he were allowed to spend more of

his leisure time at home. Is that not Dr. Miner's statement in that letter?

A. In that letter dated June 6th, it is.

Q. Letter dated June 6th, signed by Faith N. Ogdon. I am therefore recommending that Cameron not spend more than a month at a time away from home base.

A. That is what she said in that letter.

Mr. Howard: What was that last name?

Miss Harrison: That's Dr. Faith N. Ogdon's letter.

page 383] By Miss Harrison:

Q. In the letter dated June 5th, signed by Dr. Schultis, which letter is in evidence, does it not state: I would feel that your thoughts regarding settling him in comfortably — in with your family prior to the commencement of school is a good plan. I think it would be sound for him to return to the Gorman family during the month of August.

A. That is what he stated.

Q. Now, sir, in any of your conversations with Dr. Schultis, Dr. Ogdon, Dr. Miner or Miss Feloney, did they ever suggest to you anything different from what they stated in these letters?

A. Yes.

Q. Now, sir, going back to your petition, the affect of said letter, referring to the letter of June 12th, from Mr. MacNamara to you —

A. Yes.

Q. The affect of said letter was to inform the complainant that because of the alleged emotional unstable condition of this child, the mother had made an arbitrary decision that she would not permit a summer visitation of more than 30 days. If you are not compliant with this request she would then institute a proceeding.

Mr. Howard: You didn't read it all, did you,

page 384] Miss Harrison?

Miss Harrison: For the purpose of this question I would like to stop at that particular point.

By Miss Harrison:

Q. Mr. Crounse, these letters that were enclosed in the

letter from Mr. MacNamara of June 12th, clearly indicate, do they not that the comments made by Mr. MacNamara were based upon the letters which he enclosed?

A. No, no, it does not indicate that.

Q. It does not?

A. That his opinion is based solely on those letters?

Q. Read the letter, sir.

Mr. Howard: You want the whole letter read?

Miss Harrison: Where it refers to this particular question, yes.

The Witness: I think the whole letter —

By Miss Harrison:

Q. All right, read the whole letter.

A. We represent Mrs. Edward Gorman of New Canaan, Connecticut and she has consulted with us from time to time over the past six months concerning the welfare of your seven year old son, Cameron.

We understand in the past few years Cameron has been spending the entire summer vacation from school at your home in Fairfax, except for one or two weekends page 385] during the summer and this arrangement is provided for in an agreement with Mrs. Gorman.

We understand, that during the past two years a major emotional problem has manifested itself upon his return to Mrs. Gorman's home. And emotional upheaval even more severe than is normal for him —

Q. Excuse me, sir, could I interrupt. Would that be in accord with Miss Feloney's letter, that remark?

A. Part of it.

Q. All right.

A. As to what is in her letter.

Q. All right, sir, continue.

A. More specifically, to use the words of Dr. Lee principal of South School in New Canaan where Cameron returns to school after the long summer vacation in Virginia, he almost literally is observed to be "climbing the walls" and it is not until about the following February that he begins to settle down and become able to cope with his surroundings. By the end of June he is a very different child adjusted to

the maximum degree possible under the maximum circumstances.

Q. Isn't that conclusion in accordance with the letter of Miss Feloney?

A. No, it is not.

Q. All right, sir, continue reading, please?

page 386] A. Because of Mrs. Gorman's increasing awareness of Cameron's continued emotional problem, she began last fall to consult the psychiatrists to evaluate Cameron to arrive at some definite plan of help for him.

Q. Now, sir, do you deny that paragraph?

A. That she — that Mrs. Gorman contacted a psychiatrist in the fall of 1963? No, I don't deny that.

Q. In an effort to evaluate his problem and arrive at some definite plan of help for him, you deny that, sir?

A. Well, this is a state of her mind. I can't testify as to that.

Q. By that I mean, sir, you were called and asked by her to come up. You did in fact come up. Is that consistent with this paragraph concerning the welfare of the child and the condition of the child? That is in accord with this paragraph is it not, sir, objectively speaking?

A. I want to answer your question, but the lawyer here says last fall she began to consult with psychiatrists in an effort to arrive at some definite plan for helping him. That is what she did for him. I don't know.

Q. Do you believe that is correct?

A. That she consulted him for help to see what's wrong with him. I think that is partially correct, yes.

Q. And arrive at some definite plan of help for

page 387] him?

A. I think that is basically correct.

Q. All right, sir. Continue reading.

A. The psychiatrist and other interested persons with whom she's consulted and who are in a position to have some valid opinion on this matter have unanimously advised her that it is in Cameron's best interest to limit his — no, that it is in Cameron's best interest to limit his time away from his mother and his usual surroundings to one month during the summer, and, specifically, to the month of July, so the

month of August can be a period of readjustment before he returns to school.

Q. Now, sir, was that not only the positive statement of these doctors, but certainly their unanimous feeling — Dr. Schultis', Dr. Miner's, Dr. Ogdon?

Mr. Howard: Your Honor, I object to that question unless she is going to ask him was that their unanimous feeling predicated not only on the letter, but predicated on the conversation he had with these various people.

The Judge: Objection overruled.

The Witness: What was your question?

(Question read.)

The Witness: I think it was their feeling, by these letters, in preparation to a lawsuit that there is no question that they felt the summer *vactions* should be curtailed. One of them says one month.

page 388] By Miss Harrison:

Q. There is reference specifically to the month of July, so the month of August can be a period of readjustment before he returns to school in those letters?

A. That is correct.

Q. *Nos,* sir, would you continue reading?

A. This would not affect his visitation at Thanksgiving, Christmas, Easter, nor would it affect your right to visit with him from time to time in New Canaan during the year.

Q. Now sir, is there any suggestion in those letters that is not in accord with this statement of Mr. MacNamara?

A. If you are asking me for an interpretation, I would say yes. If, basically, their opinion is recited in the letters, that his emotional instability is based upon his visitation with me, then, for any length of time, or is definitely tied to the period of visitation, be it November, December, March or during the summer, I would say he isn't going as far as the doctors might suggest.

Q. But this statement of Mr. MacNamara is not inconsistent?

A. Not completely; not opposite from what the doctors said, yes.

Q. You said it was inconsistent.

A. I said it was not completely opposite; it was inconsistent, but it was not completely opposite.

page 389] Q. Mr. Crounse, what language is there in those letters that causes you to feel that there is a suggestion that the visitations at Christmas — beg your pardon — Thanksgiving, Christmas, Easter, — would be curtailed, which would make Mr. MacNamara's statements inconsistent?

A. Well, basically, the feeling of Doctor Schultis is — the feeling of Dr. Schultis, the statements of Dr. Schultis of the inability of Cameron to cope with the changing residences; residence changes.

Q. All right, sir. Would you continue reading, please?

A. Of course it is not Mrs. Gorman's desire to unreasonably limit your visitation with Cameron. She does feel however, and we feel correctly, so the best interests be consistent with his physical needs. I am sure you will agree this is sound.

The competent professional opinions given Mrs. Gorman in connection with Cameron's emotional problem firmly advises a continued program of psychotherapy for Cameron in addition to the change of his summer visit away from Mrs. Gorman's home. It is stated before Cameron's divided life imposes great difficulty upon him.

Q. The letter says, in addition to his change of the summer visit away from Mrs. Gorman's home, that is the only thing at this point?

A. At this point, no; at any point he doesn't

page 390] suggest that Christmas or Thanksgiving or Easter be curtailed.

Q. Sir, is there anything in this letter that suggests that *thecause* of the child's condition was anything that you did; is that right?

A. No. I can't see that there is.

Q. Did the doctors ever say that anything which you did caused —

A. No, Miss Harrison; they could not give me any cause.

Donald Cameron Crounse

Q. Did they say, sir, that the divided home was at least a contributing factor?

A. They told me that it was a factor. As I have testified before, that they couldn't among other things, they weren't sure, and I inquired of the doctors as to, did they know about — did they know the marriage *bacground,* the former marriage background. All of these factors, I inquired did they know the present environment; the child was living in. I also went into these facts.

Q. Now, sir —

A. May I finish this letter? We are getting to the point, "As a result of our study of the situation, we feel and we understand, the doctors feel, and we would predict that our Connecticut courts would feel that an alteration regarding Cameron's summer sessions indicated, so he will be with you for the entire month of July, but otherwise will be wtih Mrs. Gorman."

page 391] To me that is telling me that unless I agreed, there is going to be a lawsuit in Connecticut.

Q. However, the alterations regarding Cameron's summer schedule is indicated.

Now, Mr. Crounse, subsequent to June 12, the letter we have just been discussing, didn't you have further conversation with Mr. MacNamara and Mr. Schoonmaker concerning arriving at agreement whereby you would accept the month of July?

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page 392]

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The Witness: Your question is, did I have some discussions with Mr. MacNamara and Mr. Schoonmaker. I did with one or both of them after I had talked with Mrs. Gorman.

By Miss Harrison:

Q. Concerning shortening the summer visitations to the month of July?

A. That is right. If I may explain that —

Donald Cameron Crounse

Q. No, sir; you have answered my question.

Mr. Howard: Your Honor, I submit he has a right to explain.

The Judge: Go ahead, Mr. Crounse.

The Witness: In May I told Mrs. Gorman that I would not — that I wasn't convinced that this was the problem, that there was a possibility — there is still a possibility, in my opinion — the present environment was the cause. I would not until I had the boy tested in the summer. I would not agree that for this summer I would allow — allow him to stay up there until approximately the 25th day of June, which is five days after school was out, and maybe a week, depending on what my finndings are; we can possibly reach an agreement.

Then the next — then I expected to see him on the 25th. She said, well, I have to talk to my attorneys. I got this letter, which was to me — there was a red flag, there was going to be a — which by the terms of the decree — by the

page 393] terms of the decree he was to be here on the 19th. I got a letter on the 12th. I contacted Mrs. Gorman by phone and suggested to her what she wanted. I also by this time, when I got this letter, I contacted Mr. Howard. I contacted counsel and after conferring with Mr. Howard, I called Mrs. Gorman, asked her what she wanted.

Q. What period of time, sir; what date?

A. Well, it was right after this letter a couple days; I contacted her and she told me in effect, she had to have — she wanted an agreement for only the — she would only agree to the month of July and she said — and I think I suggested to her a letter. I would send her a letter. She said, well, send a letter to Mr. MacNamara. She kept referring — you talk to my attorneys; they are handling everything. I said okay. So then I called to talk to Mr. Howard. I called Mr. — then I sent a letter.

No; beg your pardon. I withdraw that. After I said what do you want, she said, talk to my attorney. I said all right.

Then the next thing, I got a second letter from the law firm. A short letter telling me that they had talked to Mrs. Gorman.

Donald Cameron Crounse

By Miss Harrison:

Q. Read it, sir, if this, is the one to which you refer.

A. Dear Mr. Crounse:

page 394] Mrs. Edward Gorman called our office yesterday to report she had received a telephone call from *youregarding* our letter of June 12 — June 18.

Please let us hear from you with regard to the suggested provisions in Cameron's revision.

I took the letter with the revisions suggested to me in their letter. So I then called — I believe I called, or they called me, if you permit — anyway, I contacted the law firm and said would a letter suffice, I believe, and then I discussed the matter with Mr. Howard.

I sent a letter after discussing it with Mr. Howard, because at this point it appeared that unless I agreed they were going to file suit.

Now at this point I discussed with Mr. Howard of what to do.

Miss Harrison: If your Honor please, this would be beyond the question.

The Witness: Well, I am getting to Mr. Shoemaker on the advice of counsel — and then he called me back and told me in effect that —

By Miss Harrison:

A. Is this the letter to which you are referring?

A. June 24.

Q. Read it, please.

A. All right. This is after she had defied the page 395] court decree.

Q. What date did Cameron get out of school?

A. *The19th* day of June.

Your letter of June 15 regarding suggested revision of my son's visitation in the interests and *sole.y* for the purpose of settlement.

I contacted Mrs. Aneen Gorman by phone after receipt of your letter, as you may have been informed.

I have been closely associated and constantly informed

regarding Cameron's problem. It is my sincere desire that Cameron's schedule reflect any change that his best interests dictate. I am extremely close to my son and very anxious to visit with him even if only for one month, suggested in your letter. I suggested to Mrs. Gorman that I forward a letter to her agreeing to have Cameron for the month of July. However, she indicated that she would prefer a simple agreement drawn by you for my signature. As July 1 is almost upon us, and as I have made definite plans for my vacation with Cameron, it would be appreciated if you would forward to me by return mail any proposed memoranda that you and Mrs. Gorman have for me, as I plan to utilize your one month beginning July 1.

Q. Now, Mr. Crounse, this is an agreement, is it not, on your part, to the acceptance of one month of visitation?

A. No, Ma'am, it is not.

page 396] It is an expression that I will do what is in the best interests of Cameron and in view of the demand after I was told I had to post two to five thousand dollars, I consider a defiance of a court order, and a penalty.

Q. Now, sir, you said the child got out of the school on June 19?

A. That is my recollection.

Q. As of June 24 you were negotiating, were you not? Yes or no.

Mr. Howard: Now wait a minute. I object *toher* asking a question and then saying yes or no.

I think you have got a right to question. If he goes beyond, she can appeal to the Court. I object to her asking the question.

Miss Harrison: All right, sir. I withdraw that part of the question.

By Miss Harrison:

Q. As of June 24, you and your counsel, Mrs. Gorman and her counsel were negotiating, both of you, in what you considered the best interests of Cameron; is that correct, sir?

A. Well, we had different ideas on what was the best interest of Cameron.

Q. You were negotiating?

A. Under —

Donald Cameron Crounse

Q. Discussing?

page 397] A. Discussing, yes; we were conferring.

Q. Mr. Crounse, a few moments ago did I not understand you to say that you had agreed the child could stay with Mrs. Gorman at least until the 25th?

A. In our discussions I said, well — although the decree of the court calls for the child to be here on the 20th, make him available on the 20th, I said if you want to have him there a week, five days after school, if you-all had some plans you wanted, I would agree to that.

She told me that would be un-essential.

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page 400]

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The Judge: Copy of the letter from Faith N. Ogdon, M.D., to Dear Jim, dated December 3, 1963, Defendant's Exhibit Number 2.

(The document referred to, marked Defendant's Exhibit Number 2 for identification, was received in evidence.)

page 401] Mr. Ferrari: Your Honor, is that marked as Defendant's Exhibit or Complainant's? I believe Mr. Howard wants that in evidence.

Mr. Howard: It is perfectly all right to mark it any way he wants to.

The Judge: Marked Complainant's Exhibit Number 9.

(The document referred to, marked Complainant's Exhibit 9 for identification, was received in evidence.)

The Judge: Now, a letter dated June 24, 1964, to Francis J. McNamara, Jr., from Donald C. Crounse, Defendant's Exbit Number 2.

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Donald Cameron Crounse

By Mr. Ferrari:

Q. Now, Mr. Crounse, I understand there was an agreement, however arrived at. An amount of $1500 was going to be placed as bond by you with the Clerk of this Court.

A. No, sir; there was no agreement.

Mr. Howard: Now wait. Your Honor, objection. I would like to ask the witness to be given an opportunity to complete his answer.

The Witness No. We had mentioned this before the recess. $100 was mentioned after I called Mr. Schoonmaker and talked to him, or after I talked to my counsel, I talked to Mr. Schoonmaker to prepare such an agreement, send it down and we would look at it and then I called again.

page 402] There was another call; I don't know whether this was in the same call, on the advice of counsel. Then he said, well, in addition to the agreement — well, no — then I consulted with Brooke, Mr. Howard, in reference to whether — he said don't sign anything. Ask him to send something down and we will look at it.

We did that. I said send it down. Then he told me a bond was requested. Mrs. Gorman had mentioned the figure of $5,000, and he thought $2,000 was a minimum.

And then he said, well — I said, well, I don't know if I can get $2,000, and he said $1500 would be all right. I said I will attempt to see what I can do, and I will call you back. I immediately contacted Mr. Howard, advised him of the request, and then called Mr. Schoonmaker and told him I was making an attempt to secure the money, that we can send the agreement down.

Oh, then, what if I would not put up the money; what would be his advice. He said my wife would be unwilling to return Cameron to the State of Virginia. Then I talked to Mr. Howard again.

After a conference with him, then I made my decision to go to East Hampton.

By Mr. Ferrari:

Q. Now, did this transpire prior to June 24, what you have

just described, or subsequent to June 24?

page 403] A. Subsequent.

Q. And at any time prior to June 24, is it your testimony there was not any discussion of a bond with either Mrs. Gorman or her attorneys?

A. Mr. Ferrari, it is my belief — it is my impression that these conversations all took place approximately the last week of June. Now, I don't have my telephone records with me, but I believe that it was in that week; whether it was *thd* day before or a day after, or two days after, I cannot be sure.

Q. Well, you don't remember having telephone conversations with Mr. Schoonmaker on the 18th of June or 19th of June relative to this matter?

A. About the bond?

Q. If you do, about the whole matter in which the bond was discussed.

A. Nothing about the bond, I recall. What is it — excuse me; may I ask you the date of the letter from Mr. MacNamara?

Q. June 12.

A. My letter was June 24.

Q. Then there was the subsequent letter in between from Mr. MacNamara?

A. Between the 18th and the 24th there may have been a discussion.

page 404] Q. Some conversation?

A. Right.

Q. And this matter may have come up?

A. Yes.

Q. Now, when you wrote this letter on June 24, is it your testimony you had not finally decided in your mind that you had agreed you were satisfied that you would have Cameron for the month of July, return him in August, and put up the $1500 with the Clerk of the Court?

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By Mr. Farrari:

Q. At the time you wrote this letter on June 24, had you decided yourself — had you made a decision in your own mind that you would take Cameron for the month of July, return him in August and place $1500 bond with the Clerk of

the Circuit Court of Arlington County?

page 405] A. No.

Q. This had not been decided in your mind?

A. No.

Q. Had any portion of what I just brought forth to you been determined in your mind?

A. It was determined — well, I want to give you a direct answer. It was my intention, it had been decided that I wanted to get Cameron here. I wanted to get him down here.

Q. I am sure —

Mr. Howard: Now wait a minute. Your Honor, I submit the witness has a right to answer the question. I ask you to direct Mr. Ferrari to let him do so.

The Witness: It was my intention to get him down here. It was apparent to me — I didn't want to go up and bring him back. I thought I was attempting to work out some way the child would be voluntarily sent to me by his mother.

I had planned to have him tested and it was my intention to see — if I wasn't convinced that this — my intention was that he would just be here for a month.

I did want him here for that month, however, and I was hoping that I could get him down here without the necessity of having to go up and get him.

By Mr. Ferrari:

Q. Well, now, was it your feeling that they were

page 406] not going to send Cameron down to you for the month of July?

A. Unless I agreed to accept him only for the month of July and agreed to post a cash or surety bond. It was definitely not only my opinion but it was stated to me she would be unwilling to send him down notwithstanding the decree — court order — and I could face a lawsuit in Connecticut.

Q. If I read you part of your letter, which is Defendant's Exhibit Number 2, or letter to Mr. MacNamara:

I am extremely close to my son and am very anxious to visit with him even for one month suggested in your letter. I suggested to Mrs. Gorman, I forward a letter to her agreeing to have Cameron for the month of July.

Donald Cameron Crounse

A. That is correct.

Q. So you had agreed to have Cameron only for the month of July?

A. Not stopping there. In my mind for the month of July.

A. Not stopping there. In my mind for the month of July, if as a result of these tests, what I believe to be true, then we are here.

Q. Well, the truth of this statement here; in your letter:

I suggested to Mrs. Gorman that I forward a letter to her agreeing to have Cameron for the month of July.

page 407] You won't dispute that, will you, Mr. Crounse?

A. No.

Q. Had you informed Mrs. Gorman prior to June 24 that you were going to have Cameron tested and examined during the summer months here in Virginia?

A. I believe I told her that I wanted to have further tests that — I think I told her Dr. Riesenman had advised me that further tests would be necessary. Whether I told her I wanted to set up a specific time on testing I am not sure, but I do believe I did advise her earlier in May that I wasn't satisfied.

Q. Are you finished?

A. Yes.

Q. You had advised her that you certainly would like to have him further examined?

A. Right.

Q. But you had made no definite arrangement for this?

A. I had not discussed any definite arrangement with Mrs. Gorman.

Q. Yes?

A. Because I figured my son would be here around the 20th or so, and I could go ahead and make the arrangement.

Q. Up to June 24 you had not made any definite arrangement, although you had contemplated having this done?

A. Oh, no, I had made some inquiries.

page 408] Q. Had you told Mrs. Crounse this, or Mrs. Gorman — I am sorry?

A. Mrs. Gorman and I didn't — we had very little discussion after the — I don't think we talked at all after the bond was mentioned.

Q. Let me ask you this, Mr. Crounse:

At any time when you suggested having Cameron examined here in Virginia or by other physicians or *psychokogists* other than the people in New Canaan and did she express any unwillingness?

A. She only commented that it would be perfectly all right with her but she said, you know, psychiatrists and psychologists can disagree.

Q. She didn't refuse?

A. She didn't fight it.

Q. As a matter of fact, didn't she say it might be a good idea if you want that?

A. Earlier in the year she said that.

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page 410]

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Q. Now, you accept the fact, of course, Mr. Crounse, that Cameron does have some difficulty emotionally?

A. He has an emotional problem; yes, sir; that we all agree.

page 411]

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Q. The causes.

A. Well, to begin with, I believe there are a number of causes. I don't think there is any single cause.

Q. Any single one?

A. Single cause; whether you are asking me to define 25 per cent to 40 percent there, I can only mention what I believe based on — after advice of people that I have

page 412] consulted — what I believe to be the causes.

Q. Please do, if you will.

A. Well, I believe, of course, there is no question that a divided home has some effect.

I think the cause goes back to the disruption in the marriage. I think that had a very, very detrimental effect on our son.

I think that in the beginning a great deal of damage was

done in the beginning. I do believe that a large percentage of this damage was caused by his mother's instability emotionally.

Q. Are you finished?

A. And some of it was caused by — I am not perfect — please.

Q. Can you tell us when his mother's instability in your opinion had an affect upon the child?

A. Since the child's birth.

Q. Is it your belief that since 1961, while Cameron *ha* been with his mother in New Canaan that she has been emotionally unstable there to the detriment of your child?

A. According to the reports that I have read, yes.

Q. What reports are you referring to?

A. Dr. Brown's, her own psychologist. Dr. Morgan's. Advice I received from Dr. Riesenman and these, of course, are observations that I have — observations; I don't page 413] want to use that term, because I haven't seen her in the home other than for a very short period.

Q. Well, would it be safe to say you don't know how she lives up there?

A. As I said earlier to Miss Harrison, I don't live there in that home, so obviously day to day activity, I couldn't say. The pattern of her past and the fact that she still flies off, is extremely excitable.

Q. How about the pattern from 1961 to the present? What do you base that on, if there is a pattern?

A. Well, again, the reports and the fact that you are asking me my opinion. The fact that she indicates in her answer she admits from December, shortly after they were married, December of 1961 until the present, he has increased in his emotional instability. And during this time he has spent a great majority, 9 months out of the year, with his mother.

Q. I believe you are referring to 7A of Defendant's petition.

A. Yes.

Q. Which is, of course, in the record.

A. Plus the things before that.

Q. Well, let me go on here. I would like to read 7A.

Since December 4, 1961, an emotionally unstable condition

is manifested in Donald Cameron Crounse, Jr.,
page 414] and has been particularly evident in his school work, relationship with other children and general unruliness in the home. In the fall of 1963 Defendant, *nothing* that the child's difficulties were intense, consulted the advice of the child's pediatrician and upon his recommendation, consulted a child psychiatrist in New Canaan, Connecticut. After their examination of the child, Defendant was told by the doctors the child was suffering from chronic anxiety, which was intensified by living in two homes and two worlds, and thus the child suffered a confusion of identity.

And I ask you, Mr. Crounse, that from that paragraph, that you refer to, that you believe that Mrs. Gorman's alleged emotional instability is the cause or the major cause of Cameron's condition.

A. Not that paragraph alone.

Q. Is this one of the factors?

A. Unruliness in the home and her conversations with me on the phone. She couldn't control him. She didn't know how to cope with the situation.

Q. Well now, you were in this court when I believe there was a Mrs. Rigoulot — she was your witness — talked about Cameron and his activities with the neighbors?

A. That is correct.

Q. And I believe she related that to a period somewhere in the latter part of August and early September.
page 415] A. She said she couldn't remember.

Q. Let me finish my question; and Cameron, as a matter of fact, had been with you since approximately July 1.

Are these descriptions by Mrs. Rigoulot of his activities — do you agree that these things took place?

A. I agree that they took place.

A. Not at the time she said, she said on the stand she wasn't sure of time sequence, and I do recall the time sequence.

Q. Of course, I don't want to dispute that. I don't have the printed record, but that will be for the court's determination.

Well then, let me ask you this:

Whenever Cameron was with you in your home during the

summer, this would be the present summer of '64, and '63 and '62, and the Christmas vacation periods, you had him, did he, did you observe any of these emotional instabilities and problems that we agree the child is suffering from?

A. I was aware of certain incidents. Now, not to the magnitude that was evident in these reports or is evident by his — I would agree he was worse this summer when he first came down than he had been.

Q. Let's talk about the summer of 1963.

A. '63?

Q. Were there any problems you noticed the page 416] boy had while with you, of course?

A. He, I think, threw a couple temper tantrums that summer, as I recall, but basically he was; of course we have a different age group; we are going down younger; and I would say he acted pretty well. I didn't have any trouble with him. He did pretty well what I told him to.

Q. Well now, let me get this correct. We are in agreement he has problems.

A. That is correct.

Q. But you apparently were not aware of these until his mother brought him to your attention?

A. Well, he didn't manifest them, well, to the extent that it exists today that is correct.

Q. In other words, he never manifested anything that would have given you an idea he had some problems when he spent his time with you?

A. Not abnormal. No, I would say that he was always a nervous child, but let's face it, there were a lot — I knew he was a nervous child; I didn't consider him an emotionally disturbed child. I am a layman in that field. Nothing he did to — he was up with his mother last year — did he exhibit things, these things.

Q. The diagnosis is he was emotionally unstable, is what the professional people term this activity, from their testing; is that correct?

page 417] A. Yes.

Q. Now, I believe you testified, of course, that you hadn't spent much time in New Canaan except on a few visits to the home.

Donald Cameron Crounse

A. Yes.

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Q. Do you have any other evidence that would make you believe that the present Mrs. Gorman, while in New Canaan while your child is there, acts or conducts herself in an emotionally unstable way?

A. Only from the reports. I mean, no personal observations, obviously.

Q. I say other than personal observations.

A. Oh, the reports that have indicated that she yells at the boy constantly.

Q. Now I think we should talk about what report.

A. Aptitude Associates.

page 418] Q. Aptitude Associates. I see. Are you referring to the statements that were given to Aptitude Associates by Cameron?

A. Yes, sir; and as applied to both parents.

Q. I don't follow that "applied to both parties."

A. Applied to — well, not parents — Mrs. Gorman and her present husband.

Q. Oh, I see. The basis of the statements being from Cameron?

A. As analyzed by the psychologist.

Q. Analyzed by psychologists with respect to his home life with the Gorman's in New Canaan?

A. That is correct.

Q. That is the Aptitude Associates report. Is there any other report from which you derive this?

A. Yes; Mr. Brown's report; Dr. Brown's report.

Q. Well, I know you didn't memorize it. Have you read it?

A. Yes, I have. Don't ask me to interpret it because I am afraid I couldn't do that.

Q. Well, if you couldn't interpret it, how did you determine the home life in Canaan?

A. I mean in psychological terms. I think in certain passages, he is very plain.

Q. What?

page 419] A. About ambivalence; the emotional instability; the immaturity of Mrs. Gorman.

Donald Cameron Crounse

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REDIRECT EXAMINATION

By Mr. Howard:

Q. Mr. Crounse, you have been examined at some length about your negotiations with these attorneys up in Connecticut, particularly the last letter they talked about, June 24th, when you wrote and said in effect that if they would send the child down here for thirty days you would accept it on that basis.

A. That is right.

Q. And had they sent the child down here on that thirty-day basis, would you have seen the child?

page 420] A. Yes, I would. That was my intention, to get him here.

Q. As of that time, had you talked with anybody about who would be a proper, qualified person to examine your boy?

A. Yes, sir.

Q. All right.

Now, after this letter of June the 24th, what efforts, if any, did you make to get those attorneys up in Connecticut or get your ex-wife to do something about sending your child down here?

A. I called a number of times and asked him to please send the memorandum down here that they draft it and send it down by advice to —

Q. Did they ever send a memorandum?

A. Absolutely not. If you don't send the money, arrange to put up the money, Mrs. Crounse, or Mrs. Gorman is unwilling to send the child.

Q. Did they ever reach the point where they told you of a definite kind of agreement?

A. No. Some memorandum of escrow. It was discussion back and forth of the Clerk of the Court being the escrow agent.

Q. Did they ever agree on how much money you were *boing* to have to put up to get your child back here?

A. I didn't agree but they settled with the figure

page 421] of $1500.

Q. That was their final figure. Did you consult

with me to see if you should send any money?

A. Yes, I did.

Q. What did I tell you?

A. You told me absolutely no, under no circumstances.

Q. You got this letter from her Connecticut attorney dated June 12; isn't that correct?

A. Yes.

Q. It was in that letter where he sent you these — where he got them from — you don't know — he sent you a letter from Dr. Ogdon, from the teacher, Dr. Schiller, and somebody else.

A. That is correct.

Q. Isn't it true that — isnt't it true he says the Connecticut Court wouldn't hestitate to do that, isn't that correct?

A. That is correct.

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page 422]

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Mr. Howard: Now, just briefly, quickly, I hand you what is Complainant's Exhibit Number 5, which I believe has already been testified that was in the letter that you received from her attorney dated June 12th.

The Witness: Yes.

By Mr. Howard:

Q. Did you have a conversation with Mrs. Feloney before that letter was written?

A. That is correct. In May that year, before I discussed the matter with Mrs. Gorman.

Q. And in your conversation you had with her, did she say anything that was in that letter?

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page 423]

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Donald Cameron Crounse

Q. Just briefly, what did she tell you?

A. She told me — I inquired — I remember I talked with her in November. I called her by phone and I discussed my conversation with Mrs. Gorman later, and I indicated to her that Mrs. Feloney had advised me that Cameron was not ready for the third grade, that by academic standards he should be retained in the second grade, but because of discussions with his mother and advice of other people, and I believe it was the psychologist, that it was felt that page 424] he was going to be passed to the third grade, and I asked her did she feel that visiting me was the effect of this in the classroom, and she told me she couldn't say one way or the other; that she didn't want to render an opinion.

Q. Now let me ask you: Did you have a conversation with Dr. Miner, who also had a letter in the letter of June 12, Complainant's Exhibit Number 1? Did you have a conversation prior to him on June the 6th?

A. Yes. I only had one conversation with Dr. Miner and that was in November.

Q. Just briefly, what was that conversation?

A. That conversation was a rather lengthy one on Cameron's problem, of course. He advised me he couldn't make any recommendations to the psychological problems. He was a normal, healthy youngster, a little on the thin side.

He said that Mrs. Gorman seemed to be, he had seen her only a few times when she had brought Cameron to visit to — I mean to have a doctor's visit, that the boy seemed all right, but normally he said your visitation schedule is rather abnormal, the normal situation was about a month in the summer.

I said that is the normal situation but I said this was an abnormal —

Q. Did you ask him if he had obtained from your former wife any history with respect to the circumstances under which you or your ex-wife lived, when he was an infant child?

page 425] A. Yes.

Q. What did the doctor say?

A. He had no information nor did I give him any.

Q. Here is a letter dated June the 5th. That was also put in

the June 5 letter. Did you talk with Dr. Schultis?

A. By telephone, again in May, prior to talking with Mrs. Gorman.

Q. Did the conversation you had with him conform to what was in that letter?

A. The part that deals — that this boy, that my son, that Mrs. Gorman and my son had a problem; to that we all agreed on.

Again, he told me he could not at this point, though he had seen him a number of times over, as to any causal factor, he did say there a number of them. I don't dispute that nor would I want to, and he said that he thought in his therapy it would be wise to have the boy to work out some arrangement whereby the boy would spend more time with his mother and he asked him, did he, would this be advisable if his mother was emotionally unstable, and might be the principal cause of the situation as it now existed, and he said, well, he couldn't pass on that; he would form no opinion but he sincerely hoped, for the benfit of the boy we would get together.

Q. Did he have any discussion with you about

page 426] your — concerning your wife's emotional problem?

A. No; although he did advise me he had seen her a couple times.

Q. Did you ask him whether or not he had any history of the now Mrs. Gorman?

A. I don't believe we discussed this history, Mr. Howard. It was a telephone conversation. I was *primaarily* concerned at that point with his suggestions.

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page 427]

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F. REGIS RIESENMAN,

having been previously duly sworn, was recalled as a witness by and on behalf of the complainant, was examined and testified as follows:

F. Regis Riesenman

RECROSS EXAMINATION

By Mr. Ferrari:

Q. Doctor, have you had an opportunity to read a report that is in evidence in this case concerning a psychological evaluation of the defendant here, Mrs. Gorman, by a Dr. Fred Brown?

A. Yes, sir.

Q. And if you will in your capacity as an expert tell us whether you concur or just what your opinion is concerning that evaluation, sir?

A. Can I give it to you in my own words?

Q. I am sure, sir.

A. A psychological report is a battery of tests that were conducted by Dr. Fred Brown on Mrs. Gorman on the 13th of October '64. And these tests reflect her intellectual, emotional capacity and potential. They reflect her ego structure and strength. It reflects the defense mechanisms that she has available to utilize when she is faced with conflict in order to bring about a conciliation. It shows the ego page 428] strength as well as structure. It shows her mood and temperament, disposition. It shows her threshold of anxiety to cope with and respond to situations that might create tolerance due to frustration imposing stress and strain upon the personality.

It shows how she functions in her acting, feeling, thinking processes at her level of responsibility, domestic, social, moral and ethical.

It is more or less the anatomy or structure of her personality. We are interested also in how this anatomy or structure functions in a definite setting, so as to evaluate her interpersonal relationship with Cameron and her impact on their relationship and his responses.

This is a picture. Every psychological test is in a structural sense and then in a dynamic sense.

Now, to be more specific. The test then reflects that she has impulsivity which manifests itself under stress especially by situations that threaten her. She is motivated or tends to be motivated — there is a tendency to be motivated by the pleasure principal rule rather than conscience. The threshold for anxiety is low in situations of frustration.

F. Regis Riesenman

There is a feeling of insecurity and inadequacy. There is an immaturity reaction. A narcissistic self-evaluation. An ambivalence or a feeling of diametrically opposed
page 429] emotions, at times love and hate. There are emotional outbursts with tantrum characteristic of child-adult level of emotional expression at times.

There is a need for affection, a strong need of affection and also a strong fear of rejection. In some respects she is her own *wors* enemy. There is a quest for security, for security cravings rather than erotic needs. Now this is the picture.

He also indicates that she has no sadistic tendencies. That she is in her behavior — that she is pretty much unconsciously motivated. There is no evidence of malice. No tendency to fear she might harm the child physically. And actually the whole impression of his and his evaluation of her through the battery of tests pretty much reflect what I said yesterday in terms of just what we have gone over.

In addition to the diagnosis what we said before, neurotic, not psychotic, no evidence *o* any psychosis at all or distorted thinking in this area hallucinations, but there is a neurotic type of contents with hysterical features, and narcissism and evidence of scarring. There was no evidence of depression, but there was evidence of scarring from a depression that she once experienced with the birth of her second child, the youngest child.

Now, all these things modify and have an affect upon her entire behavior. We would be interested in know-
page 430] ing with this type of personality structure in dynamics, which shows certain psychopathological feature, how this type of personality might function in a situation in a home with a child or two and a husband and the reaction, interpersonal reaction between her and the husband the two children and they on each other.

Q. Thank you, doctor. So, that then on the basis of what you have analyzed for us as being what Dr. Brown has said in his report, it would be your position, that with these characteristics that show up from the tests of the personality of the defendant, that the question of whether she is a good mother or not or a fit mother depend on her life at home with her husband and her existence there with her children and the conditions under which she lives, is that a fair statement?

F. Regis Riesenman

A. That is right. How with this particular condition personality structure, how does she function then in the home setting in relation to the child.

Q. So, in other words, her particular personality as you have described it here per se does this make her fit or unfit as a mother?

A. It per se does not make her fit or unfit. You can't make a decision that she is fit or unfit per se unless you know —

Q. How she lives?

page 431] A. How she lives, right.

Q. So, that the last paragraph of Dr. Brown's report, I will show it to you, it's a short one. Are you in concurrence with that evaluation and opinion?

Mr. Howard: Which paragraph are you speaking of?

Mr. Ferrari: The last peragraph, page five, I believe.

The Witness: Yes, in general I would say with this particular type of personality structure that he has defined the previous four pages; in order for you to properly evaluate it you must correlate the test findings with the actual evidence of how she is functioning in her own living situation. And of course he then says no such data is available to point out that there is anything and therefore he concludes that she is a good mother.

By Mr. Ferrari:

Q. He concludes from the test —

A. On the test alone.

Q. — she could be fit under the proper environment or she could not?

A. It has impairments. It is not the normal personality structure, therefore, if I were to be given this report without this last page and then you asked me whether or not with this, assuming that this test is a good test, a genuine test and this is a good example of a personality structure

page 432] that he has defined here with psychopathological findings, what would be the — how this person — how could this person function then in a home? The chances of her functioning in the home compared to a normal personality — we are comparing the two. If she were in a situation where she was getting sufficient love and affection and felt

secure and was getting some sense of feeling of satisfaction and accomplishment from what she was doing and felt that she was being really a whole person or contributing. All these factors that might even force her to go straight, to negate the psychopathological negative factors in her personality structure, so she could adjust.

On the other hand, where she might be faced from time to time with situations that might impose stress or strain on the personality she might be subject to certain conflicts. She might be faced with a sufficient amount to tip the scales the other way, to trigger off the emotional reactions which are potentially in her personality structure as indicated.

Q. Would you care to tell us what type of stresses or strains you would be talking about?

A. Well, the very fact that if for instance, if she has a certain idea or opinion in regard to what her relationship should be with her husband or with the two children in the home and if her opinion was not, we will

page 433] say, supported by her husband or the child has expressed an opinion of his own; in other words, if the child has enough aggression and enough drive and force of his own personality to express himself, then she might be somewhat threatened by this. She would do better if she had a child somewhat passive and dependent. This would not pose a threat or stress.

A child who is more aggressive, who is trying to express himself and more or less be independent, this would be a factor because she has a certain rigidity of personality which is difficult for her to swing too far from the standpoint of making concessions and bring about conciliations. So, you can get situations imposing conflict and frustrations from time to time if the boy didn't do good at school or something like that. This might be an issue anywhere the boy might not go along with her thinking or her philosophy.

Q. But this doesn't mean she would not be able to care for the child or be a good mother?

A. She would be able to supply for the child's physical *welfre* and its comfort and all those needs, but the biggest difficulty I think would be the emotional thing and the fact that since she does possess pathological traits in her person-

ality structure and is not aware of them. In fact
page 434] the insight and awareness of this is poor. Then
she still has these blind spots which would prevent her from operating in a more healthy emotional relationship to the child, because she is completely unconscious of what her part of her *roll* in this relationship in relation to the child if the child is disturbed.

Q. Is it not so, according to Dr. Brown's opinion, which you concur in, that there is nothing from these tests that show she is not perfectly capable of conducting herself?

A. Not per se, the test per se, right.

Mr. Ferrari: Thank you, sir.

REDIRECT EXAMINATION

By Mr. Howard:

Q. Dr. Riesenman, per se, you or *not* other qualified psychiatrist or psychologist could express an opinion as to whether or not Mrs. Gorman is fit emotionally to have this child, per se on the report alone, isn't that what you just said?

A. Yes, you could say from the report alone that she could function as a good mother from the report alone she could. In other words, the report is not sufficiently pathological enough to, in itself, preclude her from being able to be a good mother.

Q. Well, let me then ask you this. As a trained psychiatrist
and psychologist, do you say this is a complete
page 435] and thorough evaluation?

A. As far as the test goes without the history.

Q. Well, without the history?

A. Without history.

Q. The testimony is this. Dr. Brown has testified that Mrs. Gorman came into his office, subjected herself to certain tests, that he did not have any history and he wasn't interested in any history. Now, you do recognize the fact that these are qualified tests do you not?

A. Yes.

Q. Now, when a psychologist makes tests such as Dr. Brown

made in this case of Mrs. Gorman, he comes up with results, is that correct

A. That is correct.

Q. Now, does this report set forth the results of these tests?

A. That is right.

Q. And as an expert, do you say that the opinion expressed in this report is based solely on the results of the test?

A. Yes. Yes, the opinion he gave is based on the test, right.

Q. Now, you have certain history, isn't that correct?

A. That is right.

You have certain history about Mrs. Gorman

page 436] concerning the activities in her home at the present time and concerning her activities during the period of time she lived with Mr. Crounse?

A. That's right.

Q. Of what value to a psychologist is history of that type when you try to interpret the results of a test?

A. Well, that would be of measurable value. If I were a psychologist doing these tests I would wonder why I was asked to do a test? Why it was being run in the first place?

Q. Take that report this is marked up. I am sure my markings — do you mind if I use this copy. I have got mine marked up.

Now, Dr. Riesenman, in your capacity as a psychologist, what is in there is just the raw results of the test, isn't that correct?

A. That is right.

Q. Without benefit of any history at all?

A. That is right.

Q. Now, when you apply to the result, the result of those tests, the history that you have, would you come up with the same result that Dr. Brown has come up with?

A. You are asking if I would come up with the same conclusions? No.

Q. Do you feel —

page 437] A. The same results of the test, but the conclusions would be different.

Q. Don't you need history to correctly interpret the result, sir?

A. You can't interpret this without the history. All you can

do is you have a certain structure, a certain dynamic personality inventory here of certain psychopathological proportions and you don't know how that person has been functioning. This person can still function good. It can also function very poorly. You would have to have a history to interpret.

Q. Were the results given by Dr. Brown compatible with the history you got of Mrs. Gorman?

A. Yes, this is not surprising that the clinical picture, the picture that presents itself in the home and school, as far as, Cameron and his mother are concerned: It pretty well reflects this finding.

Q. Now, let me ask you this. I believe you told Mr. Ferrari, per se and based on the result of the test alone you would agree with Dr. Brown?

A. Yes, that is right. From the test itself there is nothing in here to indicate she might not be able to be a good mother.

Q. Now, yesterday, I believe, if I am not mistaken, You testified in your expert opinion it would not be
page 438] well for the child to be with Mrs. Gorman because of her emotional instability. Now, I ask you this. When you apply to the results of those tests the history that you have would that still be your opinion?

A. Yes, sir, even further substantiates that I was correct clinically in my clinical evaluation.

Q. Mr. Ferrari asked you if you know anything that goes on in the Gorman home and whether you feel there is some question as to whether Mrs. Gorman is emotionally disturbed.

A. The report from the per se basis definitely reflects that.

Q. Does the report reflect from a per se basis without the benefit of history or just the result of the test?

A. The report on the per se basis wouldn't tell *yu* how they are going to get along at home.

Q. But does it reflect that Mrs. Gorman has any emotional problem?

A. Oh, yes.

Q. The fact according to her own answer, her son *cameron* who has been in her home with the exception of summer and periodic vacations continuously since December 4, 1961, and we all — everybody agrees that the child even as of now

has *enotional* problems, the fact that this
page 439] first displayed emotional problems on December
4, 1961, and is evidenced before the court that it has grown progerssively worse, is that of any significance to you as to the conditions under which that child lives in the home?

A. Yes.

Q. What does that indicate to you about the conditions under which the child is living?

A. Well, it would indicate that the child —

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page 442]

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By Mr. Howard:

Q. All right.

Well, let me ask you this, Dr. Riesenman:

In the history that you had or the history that you used to reach the opinion that you gave the Court yesterday with reference to whether or not it would be well for the child to continue to live with his mother, did you have any history about the circumstances under which the child lived in his own home?

A. Quite a lot, up until the time she lived — she married and lived up away from her husband.

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page 446]

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WILLIAM JAMES MORGAN,

having been previously duly sworn, was called as a witness by and on behalf of the complainant, and was examined and testified as follows:

William James Morgan

DIRECT EXAMINATION

By Mr. Howard:

Q. Doctor Morgan, will you state your full name, please?

A. William James Morgan.

Q. Where do you live?

A. Merrifield, Virginia.

Q. And what is your occupation or profession?

A. I am a clinical psychologist, certified in the Commonwealth of Virginia, and also a diplomate at American Board of Examiners.

Q. You are a Board member?

A. Yes, sir, I am.

Q. Where did you graduate?

A. I got my Bachelor of Arts degree in Psychology from the University of Rochester, in New York State, in 1933; my PhD. in Psychology in 1937.

I have been practicing as a psychologist, with the exception of a few war years, since 1936.

Q. Now, will you give us a rundown on your
page 447] experience in this field, and particular work you have done in this line?

A. Yes, sir.

The first, '36 to '37 — well, '36 to '38 I was Chief of Clinical School of Training in New Jersey, where *metal* tests were tried.

'38 to '39 I was a consulting psychologist and associate with the Psychological Corporation in New York City. *where* I was asked to *maintin* a permanent profession, but I didn't want to remain in New York.

From '39 to '41 I was a member of the psychological staff on the Board of Education in Rochester, New York.

From '41 to '42 I was in private practice.

Then from '43 to '46 I was in military service.

From '42 to '43 I was developing psychological tests for the Army Air Force technical training course in Atlantic City.

From that year I was psychologist and military testing officer with the British Intelligence Service, which was cooperating with the American Intelligence System, and we were selecting special agents, operational personnel, and I worked

there for almost a year, and then I parachuted into France as organizer behind the lines.

And as organizer I went to China, did the same thing; was intelligence operator, and saboteur, and what not.

Then I returned — I worked as Director of the page 448] Psychological Division of the Central Intelligence Agency and also the Deputy Chief of the Training Staff of the Central Intelligence Agency for the period of a year. They loaned me out to the White House Psychological Strategy Board.

I have served as a consultant for various agencies — Department of the Army, American University, Department of Justice, but I am by profession a clinical psychologist, and since 1950 my major activities have been as a clinical psychologist dealing with children, adolescents, adults.

Q. Have you during that period of time conducted psychological tests yourself?

A. Hundreds, hundreds.

Q. And have you interpreted psychological tests since that date?

A. Yes, sir; into the thousands.

Q. Now, Dr. Morgan, do you know Mr. Donald Crounse?

A. Now, is this —

Q. Donald Cameron Crounse, Sr. I guess we would say.

A. Yes, I do.

Q. And do you know his son Donald Cameron Crounse, Jr.?

A. Yes, sir, I do.

Q. Do you by any chance have any files or notes with you that would indicate when you first in any manner came in contact with Donald Crounse, Sr.?

A. Yes, sir. I saw him the first time beginning page 449] at eight o'clock in the evening, and I talked with him until ten o'clock in the evening on the 26th of June 1964.

Q. 26th of what?

A. June the 26th, 1964.

Q. And under what circumstances did he come to your office at that time?

A. He said he was very much perplexed; what to do for his boy; what should he do, because, he told me, he was divorced from his first wife and that she insisted that the boy was

sick, that she had described him as being sick, and he wanted to know really what his emotional condition was, and what his mental condition was, and what should he do to best further the development of this boy.

He was looking for help in the boy's guidance and planning.

Q. Did he come to your office by appointment?

A. Oh, yes, he did.

Q. Do you by any chance recall how long prior to June 26 he did contact you about an appointment?

A. I *wouldnAt* know. My wife made the appointment. It might have been a few days or a week or so. I *donAt* know. Maybe two weeks.

Q. You first saw him on June the 26th?

A. June the 26th.

Q. You talked to him on that occasion approximately what period of time?

A. Two hours.

page 450] Q. Now without going into detail as to what he said, what was your purpose at that time in talking with him as long as you did?

A. Well, I always try to devote at least two hours getting what I call background information on a child. If I am going to conduct a study on the child I want to find out the child's health background; how it's been handled; the way in which the mother and the father get along, or the people who are in charge; where it's lived; what it's done in school and what aspirations the parents may have for it.

I always get as much information as possible before I carry on the study.

Q. Did you get any history from Mr. Crounse at that time with relation to his present or former wife and the child?

A. Yes, I did, about both.

Q. When you say both, who do you mean by that?

A. Well, he gave me information about his former wife and his present wife. I asked him.

Q. And do you recall how far back he went in history so far as his former wife and himself were concerned?

A. Yes. If you want me to tell you. He told me that he had very much fallen in love with her. She was from Syracuse. He went to Syracuse University to study Latin one summer

boy was emotionally disturbed but had not taken any positive steps herself.

Q. Now in the answer which they have filed, they admit that the mother first became conscious of the emotionally unstable condition of her son on December the 4th, 1961.

As you pointed out, has been in her complete custody up until June of this year, with the exception of summer visitations, and the Thanksgiving or Easter holidays.

Now did that fact enter into the conclusion that you reached, that she had not been a good mother?

A. Yes, sir; because during this period of time she had absolute majority control of the boy's destiny. As far as psychological support, it seemed to me absurd for me to assume simply because the boy was with his father during the period of the summer that his father could do that much damage and they could make such an assumption; they ought to shorten the visit.

I came to very definite conclusions also, that I felt also if this boy is going to be saved. I am speaking very emphatically. If this boy is going to be saved, someone ought to see he's not emotionally contaminated any more, that for at least a period of two years there be absolutely no page 455] collusion, no — his mother must be taken out of the situation; give the father a chance to develop this boy so he can become stable; he can become educated; he can become trained; that he must at least for two years — and if the mother wants really a fine boy, let her wait a few years — maybe five, six, seven — because if she does now take custody, I wouldn't give you a nickel for the boy's ultimate development as an adolescent and that he be turned — she can't handle him any more.

Q. When you say emotionally unstable condition, what do you mean by that?

A. Well, the mother is emotionally unstable.

Q. All right. Excuse me.

I will ask you this first:

How do you arrive at that conclusion?

A. Well, I arrive at that conclusion from the history information that Mr. Crounse has given me, from the careful reading of the report by Dr. Brown and by my own conversations with Cameron.

William James Morgan

Q. Now did you get any history from Cameron with reference to the situation in the Gorman home immediately prior or sometime prior to June of this year?

A. Yes, I did.

Q. Do you have a record of what history you got from him?

A. Yes. May I look at some of my notes?

Q. Yes.

page 456] A. These were comments, questions about his mother and father. He said that his mother would cry at night but at home he referred to his "fudder" — f-u-d-d-e-r.

Mr. Gorman would not cry. Then he said of his mother she is not a chicken but we call her one. She never goes outside or goes in the water or does anything. We call her one.

And then it seems that one of the forms of discipline in the home was for the mother to threaten — she was going to get Ed after him and for Ed then to carry out some threats but he said I hope *annie* — there is a child by Mrs. Gorman and by her present marriage of less than two years.

He said "I hold Annie" — and "Ed said I can't, and Ed got me in trouble and mother must have thought I did it, and she put me up in my room," but he said his mother has nightmares.

"We all had to sleep in the living room and *motherhad* all these covers around her and she was sitting up and she was asleep. She had all these blankets wrapped around her."

It was just about a week and a month and a week ago. He said about Ed, he throws things. When he is angry he will throw hammers, anything.

"He has his hand out. I kind of creep out of the way." I would, too.

Then I asked him whether his mother worried.

page 457] "Yes, yes, yes, yes, yes, yes, yes;" worries herself sick crossing the street, riding my *biscycle.*" and then he said that Ed was always hurrying him. "Step on it, step on it."

And then would insist that he get places always ahead of time and then they'd have to wait. There are other comments I think I have placed in the report.

William James Morgan

Mr. Howard: I am going to ask that that be placed in evidence. I think we have stipulated that it has never been formally introduced, so at this time I would like to offer this report of Dr. Morgan. That would be *Complainan'ts* Exhibit 10.

The Judge: It will be received in evidence.

(The document referred to, marked for identification as Complainant's Exhibit Number 10, was received in evidence.)

By Mr. Howard:

Q. Now, Dr. Morgan, I have here your report, and on page 13 you appear to have history that you obtained from Cameron of the conditions he was living under in the Gorman home.

A. That is right, sir.

Q. Would you read — I think it is fourth paragraph — and tell us if that is history you got from Cameron?

A. Yes. When Cameron was asked how his mother punished him:

"She puts me in my room for ten minutes. My page 458] mother yells; has temper tantrums. She really gets mad. She screams at me. I say, '*DonAt* wake the baby.' She says 'Ed will really get you.' She wakes up the baby and says I wake up the baby."

Q. Now let me ask you this, Dr. Morgan. This is history you got from a boy of seven or eight years old who, as you say, everybody agrees is an emotional disturbed boy. Is that correct?

A. Yes, sir.

Q. In reaching the diagnosis that you did, that Mrs. Gorman is an emotionally unstable person, did you take that particular history into consideration?

A. Yes, but as the evidence — the boy presents evidence that I can take into consideration.

Q. That is really what I was going to get to now, because to his unstable, emotionally unstable condition, is that valid evidence?

A. Yes, it is valid. It is relating — he is dealing with his environment. He is not sick. His mother said, as I gathered from Mr. Crounse, sick is usually correlated with being

psychotic, but when a person is dealing with his environment, you get a lot of information.

It is a question *whetheror* not there is more or less consistency to it, because I saw the boy on different days under different conditions and he was — there was no

page 459] reason for him *so* be. He couldn't plan in his thinking, to say "Save me." I mean, he could not answer, and there was a lot of blocking where he was not answering, and constriction, but the information of a person who is disturbed does not mean that that information is unreliable.

Q. I believe you testified this, but I will have to ask you: Did you make a determination the boy Cameron was psychotic or neurotic?

A. The boy was not psychotic. I would not use the word neurotic. I would say he was disturbed.

If you were going to use a term neurotic —

Q. Neurotic person and psychotic person —

A. The neurotic person is concerned with his or her own feelings of *inadequcy,* how they can better grapple with their impulses, their emotions and get control of themselves, which, according to Dr. Brown's report, is Mrs. Gorman's condition.

The psychotic person, the manic depressive, is way, way up and way, way down on different days; who's got bizarre ideas and notions that don't relate to maybe talking to themselves and having imaginary companions and *they'r* just not dealing with their immediate environment of people and places.

Q. In attempting to reach an opinion, evaluating any person, be it an adult or be it a child, would you consider

page 460] or believe information given by persons you recognize as psychotic?

A. If a person give me information who is a pyschotic, I very, very much question the information.

Q. Would that be true of a person who is disturbed or you might even classify as disturbed or neurotic?

A. No. Neurotic persons — there is a lot of them — you take the information, you get the information from an adult, neurotic adult, but you can't call a child neurotic. Well, it seems to me this is a child struggling with his environment so much, he's trying to come to some tranquility of relationship. This boy has no tranquility of relationship.

I think the important factor is to *getthis* boy in a situation

so that he knows what is consistent, what is desirable, what is standard; or what he is expected to do and how he is expected to behave.

If you have to give him a name, you will have to call him neurotic. I consider him distinct — he's unsettled. It is like a pup. He does not know whether he is going to get fed or walloped.

Q. Do you know whether he *hasmade* any progress? He has been coming to you —

A. I have seen him three times since the original diagnosis and I would definitely say he has. I have made a list of things before and after.

page 461] Q. I wish you would.

A. During the basic study he was always interrupting and this was one of his aspects of ideation and stability. His ideas — he *couldnAt* hold them. I had to get him out on the last three occasions. I didn't see any interrupting. He used to speak against his studies as stupid old junk, and he points out his mother never did help him with his studies. She would send him to a room and he was supposed to do them. This is a mask for a child of seven; he goes to Ascension Academy.

The second time he came to see me he said, "I have got to do my studies." And he wants a table. He didn't want to talk. He wanted to do his studies. So he then did a certain amount of studying. I stood by and answered some of his questions about it.

Then we proceeded to talk. But he has got respect for studies now. He is not seeking attention so much. He used to come in the house, spin around and/or fall. He would crawl under the desk or he would hide *inthe* closet but this very last time he picked up a book, a picture of History of the World, and sat down and read it on that last occasion.

I spoke with Mrs. Crounse for a half an hour, for a half hour, because she brought me up to date on where he had been and what he had done.

He is still inclined to pick up things. He will page 462] put his hands on a clock or things. This last time he picked up a pencil. I asked him whether he wanted it. He said no. He used to rub his elbows on the desk all the time; he used to sit in a chair and rock it violently

back and forth, even complained of having headaches; used to make faces not related to what we were.

He would stick out his tongue; do a lot of breaking; kick the desk; slide out of the chair.

Now his position *inthe* chair is still not — you can't expect a seven-year-old boy to be perfect in a chair but he sits without sliding off all the time.

And his table manners have improved just by the amount of crumbs and mess he used to create. It just astounded me; he had such poor table manners.

Now he seems to drop a few less morsels. He used to do a lot of *clowing*. He used to do a lot of baby-talking.

These are some of the things I have noticed. He talks about some of the things he has done. His father took him down on a fishing trip down in Florida.

He has got a friend, Andy Frizzell. He speaks less of enemies. He had quite a few enemies up in this school up in New Canaan.

He tells how they used to knock him around a bit.

He felt at times up in New Canaan, only a girl liked him, because all the other boys were fighting him.

page 463] I think he *ismore* relaxed; he is more attentive; more obedient. He is not as blocked in his thinking processes. He is interested in school, as I said before, and he has got a positive interest toward his work.

He doesn't watch as much TV as he used to, although when his mother had him on the 17th of October, he said so far as her entertainment of him was concerned, she sent him off to a movie.

The only time he has had a chance was when his daddy fell asleep one day. His father was keeping control. Too many of these monster movies, but that is —

Q. Now I believe, Dr. Morgan, you have already testified to the history that you got from Cameron concerning his stepfather, whom he refers to as fudder.

Did you have any other history on Mr. Gorman that you got from Cameron?

A. Well, Mr Crounse himself said apparently he was the brother of a man with whom Mrs. Gorman had an affair going over on a boat at one time and that is how she happened to meet him.

William James Morgan

And Gorman called up repeatedly — I didn't talk to him — demanding information and he would make statements to my secretary and to my wife implying that he didn't believe that they are telling him the truth, that I was not there, and they described his behavior as rude.

page 464] Q. Now I hand you what is Complainant's Exhibit Number 9. It is a report from a psychiatrist, of a Dr. Ogdon.

I direct your attention to the first sentence of paragraph 2, which refers to her impressions concerning Mr. Gorman.

Will you first read that?

A. Mr. Gorman is so older than his wife, a man who appears to be warm and affectionate, but sometimes finds it hard to conceal an underlying hostility which comes out in the form of teasing or kidding.

Q. Now as a trained psychologist, would you interpret that with regard to what type person, what sort of attitude you would expect Mr. Gorman to have based on that statement?

Mr. Ferrari: Your Honor, I object to that question on the ground that this witness is not qualified to answer that question. He hasn't even met Mr. Gorman. He has seen him.

The Witness: I have seen —

By Mr. Howard:

Q. Have you met him?

A. I have met him.

Mr. Howard: Your Honor, I think this is proper. It is an opinion of an expert on — I am sorry.

Mr. Ferrari: Expert perhaps, but he is evaluating an individual he hasn't even talked to.

Mr. Howard: Your Honor —

Mr. Ferrari: Your Honor, Dr. Ogdon is a physician, a medical doctor. This gentlemen, with all due

page 465] respect, is a psychologist. He is telling us now about a man he hasn't met.

The Judge: As I understand the question, he is being asked to —

Mr. Howard: To interpret.

William James Morgan

The Judge: Interpret a report from the psychiatrist concerning —

Mr. Howard: An impression.

The Judge: An impression. A psychiatrist. I don't know whether he can form an opinion of the man or not.

Can you, Doctor?

The Witness: What he says here, your Honor, he finds it hard to deal with underlying hostility.

Well, we know already from talking with Cameron the man loses his temper and throws things.

The boy says that is when he crept away. It seems to me my impression is he is a man of temper.

Mr. Howard: *Lerme* see —

Mr. Ferrari: Wait a minute, Brooke. There is an objection here.

The Witness: He is impatient. He has got a temper and he is rushing — wants to get the boy — he is impatient with the boy but that is what I would say, I would form an impression. I had, already.

Mr. Ferrari: Your Honor, you asked the doctor if he could give an opinion. I assume the answer to the ques-
page 466] tion is he has already given it to you.

Mr. Howard: I will withdraw the question and ask to strike the question.

The Judge: I believe the doctor has answered both the question which I asked him and the question which Mr. Howard has asked him, and the objection is overuled.

Mr. Ferrari: Note my exception.

By Mr. Howard:

Q. Dr. Morgan, based on the history you got from Cameron and the telephone conversation this man, Dr. Morgan, made to your office, would you agree with the impression that the psychiatrist got of Mr. Gorman as set forth in this report?

A. Yes, your Honor, I would.

Q. Now, Dr. Morgan, you have seen a report prepared by a Dr. Fred Brown, have you not?

A. Yes, sir, I have.

Q. By *anh* chance, do you know Dr. Brown?

A. I don't know him personally, but he is a psychologist that is well qualified.

William James Morgan

He is a diplomate of the American Board. He has plenty of clinical experience and I know he has had good background.

He has been well trained.

Q. Now, based on his report, do you feel that he has attempted to submit a fair report to the Court?

A. I think so.

Q. Now are you familiar with these tests to which he subjected Mrs. Gorman as set out in this report?

page 467] A. Yes, sir.

Q. Would you say that all of these are valid reports in connection with evaluating a person, psychologically speaking?

A. Yes. I would get more information. I would devote more time. The tests he has used are valid tests.

Q. All right. He has testified that when Mrs. Gorman came to him, he had no interest in any history at all concerning Mrs. Gorman, concerning the conditions under which —

Mr. Ferrari: Objection, your Honor, on this point; if Mr. Howard is going to tell us what Dr. Brown testified, I submit that he get that word for word from the record.

Thisis couched in Mr. Howard's phraseology. It is paraphrased. It is innuendo, and I submit, your Honor, this kind of questioning, this is, this man is, this is Mr. Howard's witness.

The Judge: Objection is sustained.

Mr. Howard: All right.

By Mr. Howard:

Q. Dr. Morgan, if a person comes to you to be evaluated and you don't have the benefit of any history and you run these same tests that were made by Dr. Brown, do you come up with certain results?

A. I would never do a thing like that.

Q. Well, I understand, but if you come up with those results as far as you are concerned — as a psychologist,

page 468] is it important for you to have some history about the patient in order to interpret the results?

A. It certainly — it is — first of all, I don't know what time you are talking about. It takes me about thirty hours to complete a very careful study of an adult. I have to have anywhere

William James Morgan

from four to ten hours of history-taking on the person.

Otherwise, the test don't make any sense. So I have got to get plenty of history. The tests are only to get supplementary, additional information and then the test — I certainly would not have given some of the tests he gave, such as, "Are you nervous."

So far as the results are concerned, as far as the results found, any psychologist who wants to read it can read it and interpret it.

Q. What I was trying to ask, if you do subject a person to tests and you get the results, of course, of that test, and don't have the history to use in conjunction with those tests, do you get a true evaluation?

A. No.

Q. Now, you have examined this report; is that correct?

A. I have examined that report.

Q. And do you feel that the results of these tests only — I am talking about now do you feel that the results of the tests set forth in this report are substantially correct.

page 469] A. I should think so, yes. I just assume that Dr. Brown carried out the study and the — I would just assume so.

Q. Now, if Dr. Brown had had the benefit of the history that you have and had applied that history in interpreting the results of this test, do you feel it would have affected his opinion?

A. I think so, definitely. For example, he says that apart from what he had to say in one paragraph, he made two points, there were no —

Mr. Ferrari: Your Honor, may I interrupt the witness at this stage? If I am not mistaken, the question asked by Mr. Howard, would it have affected Dr. Brown's opinion — now, I submit that that might be all *fight* for the doctor to say whether it would have affected his opinion but I don't know whether he is able to tell us whether it affected Mr. Brown's opinion or not. I submit it is improper, sir.

I don't think he is qualified to say that. He is talking about the opinion of another individual.

Mr. Howard: Your Honor —

The Judge: Objection overruled.

William James Morgan

The Witness: May I complete my thought process there?

He points out there were other than a couple psychopathological trends which I noticed there were not.

Then if you were to take into consideration
page 470] some of the behavior during her marriage to
Mr. Crounse, she would have substantiation that she was not behaving in accordance with conscience, that she is extremely impulsive, things of this sort, because here he is just speculating that these are so. Then we would have had actually behavior facts.

By Mr. Howard:

Q. Had you run these tests on Mrs. Gorman that Dr. Brown had run on her, had not had the benefit of the history you could fairly evaluate?

A. Oh, I think I could have done as good a job as Dr. Brown but I wouldn't want to do it this way.

Q. Would it have been a full and complete evaluation?

A. No. I think that is shortcircuiting all the time.

Q. Now, Dr. Morgan, do you have a copy of this report?

A. Yes, sir.

Q. Well, you have got a copy that you made, haven't you? There is a copy in evidence, somewhere.

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By Mr. Howard:

Q. Now, Dr. Morgan, this is Defendant's Ex-
page 471] hibit 1, which of course is the Brown report. The
last paragraph on that page at the beginning, I guess you call it, is Diagnostic Impression.

Now turn over that page, if you will, and go to that portion that starts out the question concerning whether or not she is a fit mother.

A. Yes, sir.

Q. Now, Doctor, going on down further, the contingent factor in this case focuses upon the type of relationship she had with her present husband, the degree to which her marriage is providing her with deeper satisfactions, and the kind of emotional climate this is creating in the home.

Now, can you interpret that for the Court in so far as the

the home surrounding Cameron is concerned?

A. The way in which I read it, that Dr. Brown says *Mr.* Gorman is an emotionally unstable person, but maybe if her husband gives her a lot of emotional support and becomes the benign surrogate figure which he referred to before, that she will then be able to provide Cameron with the kind of emotional development — I think it is just passing the buck.

I think there is another man going to be taking care of Mrs. Gorman and who is then going to insure that Cameron is going to be developing all right.

Q. Does the impression given by Dr. Ogdon, page 472] what she thinks of Mr. Gorman, indicate that he is a proper person that would give her this complete —

A. He is described as a hostile person.

Q. Now, Dr. Morgan, let me ask you this:

Based on the history that you have received from Mr. Crounse, from Mr. Crounse's present wife, from Cameron Crounse, Jr., I believe you have already said in your opinion Mrs. Gorman is emotionally unstable and the child should not be in the home.

Now I want to ask you if your conclusions in that respect are consistent with the results of these tests conducted by Dr. Brown.

A. They are.

Q. Now, I would like, Mr. Ferrari, to interpret the report of Dr. Riesenman, to go over that report and point out the significant factors in that report.

She is emotionally unstable and not emotionally fit for the custody of the child.

Mr. Ferrari: Before the Doctor answers the question to, not to interpret the report, but if he concurred with the report there is quite a difference. He has done a pretty good job of interpreting it already. I don't know what more Mr. Howard —

The Judge: It seems to me that we are taking up time. If Dr. Morgan agrees with the report and the page 473] clinical findings, to *gothrowgh* the report to point out specific parts of it is just taking up time and money.

Mr. Howard: All right.

By Mr. Howard:

Q. If there is any question in the Court's mind, Dr. Morgan, when you say you agree with the report, are you speaking in terms of the results of the tests conducted?

A. I do not agree with the recommendations that he makes on which he has no evidence whatsoever that she would make a fit mother. I absolutely do not agree with that. I agree with what he says of Mrs. Gorman, which is consistent with what I have observed.

A report of this sort has to be read very, very carefully because he does point out she has psychopathological traits. She is narcissistic. She is concerned with self-love, and a person who is married, as I said cannot give too much love to someone else. She has a low threshold *or* emotional outbursts. This report is very damaging to Mrs. Gorman.

It seems to me it is very damaging to Mrs. Gorman. It is very damaging to her as a person. I just don't see how she could make a good mother.

He is speculating. I refuse to speculate. If we are going to be concerned with a boy of unusual ability —

Q. Is it normal to interpret the results of tests such as were conducted by Dr. Brown?

page 474] A. Yes, sir. You *usuall* have it.

Mr. Howard: Your Honor, would you give me just one second, please?

By Mr. Howard:

Q. Let me ask you this, Dr. Morgan: Have you ever spoken with Mrs. Gorman?

A. Indeed I have. I spoke with her the day before. According to this report she was examined by Dr. Brown, which may help to explain her attitude. She had called — her husband called and slammed down the receiver.

Q. Who had?

A. Mr. Gorman. Mr. Gorman had called, and slammed down the receiver. Then I came in and she said there were some numbers. There were New York numbers because she thought they lived in New Canaan. Now, it makes sense to me because

William James Morgan

she was in now to be tested the next day and I spent from — anyway, I spent 15 minutes, ten or fifteen minutes on the phone chatting with her. It was like a record. The needle got stuck.

She wanted information about Cameron. I kept telling her I wasn't going to give her information about Cameron, that I was not her adviser, but I would be glad to get information from her about Cameron.

I suggested she write me a report or that she come in or take tests, but she said, "I don't see why I can't page 475] get information about Cameron because they all seem to say 'Don't tell the mother this and don't tell the father this.' "

I had to keep telling her the information I would give her would not do Cameron any good.

Q. What was her attitude to you on the telephone?

A. Her attitude was, pushing, provoking and trying to get me to say things and I simply had to keep saying things over and over again. I felt I myself had got stuck on the record.

Q. If the Court should place this child with his father, or does his father have any arrangement with you to continue this treatment that the child —

A. He hasn't placed him with me, but he is welcome to place him with me or somebody else. This boy — psychotherapy is good father relationship. The word psychotherapy can cover a *miltitude* of sins.

Simply by talking with Cameron an hour a week or ten hours a week, he is going to improve. He is not looking at the facts.

This boy needs a lot of home care and so forth, but a psychologist or psychiatrist can help by talking the boy once every couple weeks and talking with the parents and kind of adjusting things.

If they want to make arrangements they can.

Q. Do you know of situations where people who page 476] are living separate and apart, who are divorced, who have children and have visitation rights with the children?

A. Oh, yes, I know of such.

Q. When any child goes back to his or her home do they go through a certain readjustment period?

A. Oh, yes.

Q. Does the type home they go back to have any effect on his or her ability to make an adjustment properly?

A. Oh, yes. And I feel it involves the type of people, too, I think, who have the emotional disturbances which Cameron is reported to have. They are not so obvious here, after he has been around for a short while as they are when he is at home. I mean, he doesn't take his feces and throw it on the floor. He doesn't go slamming his younger brother Bryan as he is supposed to have slapped his younger sister and being yelled at, pushed, neglected.

Q. Do you have any opinion as to what may be a causative factor in his emotional instability?

A. The instability of the mother learning is transferred. In this way emotional learning is transferred that way.

Mr. Howard: Your Honor, I think that is all I want to ask this witness.

CROSS EXAMINATION

By Mr. Ferrari:

Q. Would you tell us, Doctor, what date it was page 477] you spoke with Mrs. Gorman on the telephone?

A. Yes. It was the 12th of October, 1964.

Q. The 12th of October. Would you please check your records?

A. I would sure be glad to. You are right.

Q. What date do you have there?

A. It was the 12th of August, 1964.

Q. The 12th of August.

A. 8-12-64.

Yes; this is the note my secretary left.

Q. What is the date on Dr. Brown's report?

A. It is the 13th of October.

Q. So you didn't speak to Mrs. Gorman one day before she went in to visit Dr. Brown?

A. You are absolutely right.

Q. Now, I would like you to tell me whether you conducted tests based on raw facts and unbiased documented data. Do you know what I mean by that, Doctor?

William James Morgan

A. Well, I give tests. Yes. I give a lot of tests.

Q. Well, I know you give a lot of tests. As a matter of fact, Aptitude Associates, that is a testing primarily that you specialize in?

A. No. You want me to give you the history of Aptitude?

Q. Yes.

page 478] A. I am a certified clinical psychologist in the Commonwealth of Virginia.

Our specialty is clinical psychology.

Q. Now, will you tell us when you say clinical psychology, does this include testing?

A. Yes.

Q. Psychological testing?

A. Psychological *tes*; oh, yes, indeed.

Q. Also a clinical evaluation that is taken through interview; is that correct?

A. Oh, yes.

Q. When you are endeavoring to evaluate a person, their personality, what procedure, step by step, do you take?

A. Fine. This procedure is a result of experience over many years. Now the first thing we do is take a history.

Q. From whom?

A. From the father, or the mother.

Q. I didn't —

Mr. Howard: Your Honor, he has asked him for information.

Mr. Ferrari: Now before Mr. Howard goes into this objecting, I have to stop the witness here.

By Mr. Ferrari:

Q. I said when you evaluate a person, what specific steps do you take to do so?

page 479] A. Well, I am going —

Mr. Ferrari: He told me, he then starts to tell me he takes a history from the father and mother.

When I asked him from whom, he said the father or the mother. Now I am asking him about a person. I am *notasking* him about a Cameron or a child. I am asking him in general.

The Witness: This is the general —

The Judge: A person includes an adult.

Mr. Howard: May he ask him for a step by step procedure? Now I think if he wants a step by step procedure —

Mr. Ferrari: I said person.

The Judge: The difficulty arises when Mr. Ferrari said person, and didn't say whether he wanted an adult.

Mr. Ferrari: I will agree, your Honor, I will withdraw the question and rephrase it.

By Mr. Ferrari:

Q. Doctor, when you undertake to evaluate an adult person, please tell us step by step the procedure you follow.

A. Very well. Let me take a sample case of a scientist who has made a lot of money. He wants to become a professor. He comes to me. I take the history from him of his life. I talk with his wife if she is willing, and all, and then I give him a lot of tests and during the course of the testing I will discuss the results of the tests as we go along and then after all the tests are scored I settle — I take about

page 480] two days to think over my ideas, *getmy* suggestions and so forth, down, and then I hold a *converence* with the person who is going to make use of this information, the adult himself in this case, and I say, "This is what I found, and this is what I recommend."

That is an outline of an adult.

Q. Now am I correct that that procedure that you have just described encompasses psychological testing and clinical analysis?

A. Yes.

Q. Clinical analysis meaning your interpretation of the actions, words and attitudes that you see and observe in the particular adult person you are evaluating while you are interviewing him; is that correct?

A. That is correct.

Q. So that you make an evaluation clinically on your observations which is based on your experience in the field?

A. Yes, but I can also make a blind observation, so-called in the clinical psychological field.

Q. Do you mean blind?

A. Somebody hands you a piece of paper and says, what do you say in the Central Intelligence Agency. I was told what could I say about these people and I told them who they were

from, the organizations, from the *papersthey* had given me. I told the fellow he was phony.

page 481] "You are one of them, that is, one of the specialists of the clinical psychologists who will just get papers and will say tell me about the person, the case of Dr. Brown."

He doesn't take the history, kind of get out of my head as much as I can, he reworks it, say, what a Chinese farmer is to plow his land to get a lot out of it but my own procedures *arenot* that way.

Q. I believe you defined yourself as a clinical psychologist.

A. I am a clinical psychologist.

Q. If I was to tell you Dr. Brown is a diagnostician —

A. He is a clinical psychologist.

Q. That he specializes particularly in the raw *date* I spoke of —

A. I do it all the time.

Q. If he forwards the results he gets from the raw and unbiased documented data on to a qualified psychiatrist who has made clinical evaluations on the particular individual that is being evaluated, would you say that the qualified psychiatrist could then, together with her clinical impressions and the report of the testing, and psychological data forwarded by Dr. Brown, come up with an evaluation of that particular person?

Mr. Howard: Your Honor, I object to that

page 482] question because I don't think the question is complete. I would want to know when he is asking for that evaluation.

The Judge: I think this answer, the Doctor —

The Witness: I said —

By Mr. Ferrari:

Q. Do *psychiatris s* ever send patients for evaluation to you for psychological testing?

A. Yes. And they ask specific questions. They ask me whether they should treat him, whether they are serious schizophrenics, and I tell them.

Q. What do you do when you are to give a psychological

test, when a person is to be psychologically tested? What do you do?

A. I give the test and I write a report. I don't send the psychiatrist raw data because psychiatrists are not trained in psychology, and I want to make this very, very clear. Psychiatrists are not trained in psychology; they don't know the test. They can't give them, and they can't interpret them.

In the Commonwealth of Virginia you must be a PhD. and have five years experience as a clinical psychologist. I happen to know that, because I sit on the Certification Board of the Commonwealth.

Q. So that you give the test, you interpret the test and send the report to a psychiatrist?

A. Right.

page 483] Q. That is a psychological test?

A. Psychological report.

Q. Psychological report. Is this what you would call Dr. Brown's report?

A. Yes. I would call that his report.

Q. Now, in evaluating the tests that you give, scoring them and rating them, and so forth, do you do this yourself after you give a test or while you are giving a test?

A. Yes. I score them. My wife, who is my assistant, may score them. She is a certified clinical psychologist. We work together.

Q. Well, are there not some tests that are given verbally?

A. Yes.

Q. Not written?

A. Oh, yes. But we try to report about everything we possibly can in our case.

Q. Well, I mean an adult individual. Before you give them, there are some verbal tests, are there not?

A. Oh, yes.

Q. Are they not scored by you as you proceed, while you are testing?

A. That is a Weschler adult intelligence test that she got. They seem to be verbal but they are highly controlled. You have to know —

page 484] Q. In other words, the person administering them must be highly qualified.

A. Oh, yes.

William James Morgan

Q. And he is scoring them and evaluating them as he proceeds to administer; is this correct?

A. Yes.

Q. Now, would you give an evaluation of an adult person or a report or make a report giving an evaluation of an adult person and personality, psychologically speaking, in every way you know, based upon a history provided by someone other than that person and not having seen the person interviewed or administered, that you would normally administer in conducting a psychological study and evaluation, would you, based on that?

A. Yes.

Q. Give a psychological evaluation and report?

A. Yes.

Q. You would?

A. In the case of Cameron Crounse I certainly would.

Q. I didn't ask you that. What you would do in an adult person.

A. The results speak for themselves.

Q. Oh, an adult person you would make a psychological evaluation based on a history given you by a third person?

A. Person, my own testing.

page 485] Q. Excuse me, Doctor, I said without testing the person, not interviewing the person. And in fact not even seeing the person.

Now would you make such an evaluation?

A. When I feel that I have got enough data.

Q. From the third person?

A. Well, in a couple of persons. There is a history.

Q. Not from the person?

A. Not from the person herself.

Q. So you would make a psychological evaluation about a person strictly on the data given to you or a history by someone other than that person; is that correct?

Mr. Howard: I object. That is the third time he has asked the question and got the same answer.

The Witness: Your Honor, I would like to make a little statement. I would like to make a little statement.

Mr. Ferrari: Your Honor, before he —

The Witness: I have already said yes, because if I hire

a bricklayer and he puts a hod in my wall, I don't have to ask for his credentials as a bricklayer any more and if I give a very thorough study of a youngster who is behaviorally untrained, emotionally disturbed, academically retarded, and this is a very bright boy, I know the mother has done a poor job if she has been with him.

By Mr. Ferrari:

page 486] Q. And you have so stated in your report?

A. Emphatically.

Q. Now, would you have preferred to have spoken with the mother?

A. Oh, I would have been delighted if she had called me up and said, "I would like to see you and give you information about my boy."

This is what the formal mother does.

Q. This reported is dated 7 August 1964.

Mr. Howard: Which report is that?

Mr. Ferrari: The Aptitude Associates. I beg your pardon; your report.

The Witness: Yes.

By Mr. Ferrari:

Q. I believe you said you talked to Mrs. Gorman on the 12th.

A. Of August.

Q. And you had already completed this report, had you not?

A. Yes, I had.

Q. You had already made your findings?

A. Yes, I had.

Q. And so isn't it correct, as you stated on direct, that you suggested that she come on down and let you have some data and you would like to have it?

page 487] A. Yes.

Q. This would help you?

A. I suggested she write me a report, she come down and give me the information and/or she come in and take tests.

Q. But it is a fact you had already prepared this?

A. I would be glad to get any amount of additional informa-

tion if I am going to help the boy.

Q. In July I believe you interviewed Mr. Crounse; on July 5; is that correct?

A. Let me check.

Q. I read from your report.

A. Yes. Well, that was July the 15th; Mrs. Crounse on July — my date shows June 26, Mrs. Crounse; July the 6th, 7th and 13th, Cameron; Mrs. Crounse on the 15th of July; Mr. Crounse on the 18th of July; September 2, Cameron; and on that date I *used* Mr. and Mrs. Crounse October 12; I talked with Cameron on November the 1st, I talked with Cameron and Mrs. Crounse.

Q. Well now, did you ask Mr. Crounse to advise his wife or his former wife, Mrs. Gorman, that it would be better for you or you would like to have her available to speak to her and talk to her about the child in order to evaluate him? Did you ask Mr. Crounse?

A. No, I don't think I did.

Q. Didn't you just tell me that you would page 488] normally prefer that?

A. Yes, but in a situation where there is such a dispute going on as this, if the other party wants to come in I am always open and they knew I was conducting these studies.

They never said "I want to make an appointment to come and tell you about Cameron," or "What can we do to help Cameron." They wanted information from me.

Q. Now, Doctor, they wanted information from you on August 12th; is that correct?

A. That is right.

Q. How do you know they knew you were doing this?

A. Mr. Gorman was calling up. He kept calling up during the month of July.

Q. Now do you know what he was calling up about?

A. We would ask him to get in touch with Mr. Howard, get in touch with Mr. Howard, who told them that you —

I told them that I — Mr. Gorman was — Mrs. Gorman — when I heard that Mrs. Gorman wanted to talk with me I was on the phone but he kept talking.

Q. Well are you talking about those many calls before that you talked to Mr. Gorman?

William James Morgan

A. No; October 12.

Q. You mean August 12.

A. August 12; I am sorry.

page 489] Mrs. Gorman called only once.

Q. And you only spoke to her?

A. When she called I spoke to her.

Q. When did you speak to Mr. Gorman?

A. Never spoke to him. My secretary and my wife spoke to him.

Q. And they told him to get in touch with Mr. Howard?

A. Yes. I was on vacation and they called me and they said, "What do we do?"

I said "Get in touch with Mr. Howard."

Q. Do you have a record of how many calls were made?

A. No, I *donAt.*

Q. Do you remember how many?

A. I would say about six to eight calls. Some days he called three or four times a day.

Q. Did you have any idea back on June 26 whether the Gormans had been advised that you were going to be consulted about examining the Child?

A. No. Mr. Crounse said he had received those disturbing reports that his child was sick and he wanted to find out something. He was interested to show just what the emotional situation was with his boy.

Q. In other words, you don't know if the Gormans were advised he was consulting you and you didn't care?

A. Now wait a minute. This man comes to me

page 490] to seek information and I talked to him and he has the right to set the limits as to the discussion with me. I am not going to say if you informed your first wife about this or —

Q. This is a child you were going to examine. You stated before you would like to speak to the child's mother and father, natural mother and father. You mean to tell me you wouldn't be concerned about asking a natural father that question?

A. This a very important thing. Does the mother or does father take the initiative to call me and say, "I want to talk with you about my child." If they don't, this is a poor sign.

Q. This would assume they knew about it.

William James Morgan

A. But they knew about it.

Q. They knew about what, that you on June 26 were speaking with Mr. Crounse, didn't they?

A. They didn't know on June 26 I was speaking with Mr. Crounse but they knew in July I had been carrying out this study.

Q. And they called you, Doctor?

A. Yes, they called me.

Q. Eight times.

Now when you finally spoke to Mrs. Gorman on August 12, didn't you feel that you should advise her about the child?

When she aasked you about it did you feel that
page 491] this could only be done if you had permission from
Mr. Crounse or his lawyer?

A. I decided to speak with Mrs. Crounse to let her know, one, that she could give me information; two, that she could come down and take tests; and, three, that she could come down and give me the information. She did not elect any one of these recourses. She kept asking what did I find about Cameron and since I do not consider her a fit mother and I feel she would mess up the data, I did not want to give her the data and as a psychologist bound by ethics of my profession, that is the position I took and I so informed her.

Q. You had, of course, as the record shows, already prepared this report and your findings on August 7, so that would be natural for you to assume that she was an unfit mother; is that correct?

A. Yes. I considered her an unfit mother.

Q. As you have stated and have stated in this report?

A. Yes.

Q. Now, when you stated this in the report that she was an unfit mother, do you consider this is a psychologist, a professional psychologist, a diagnostic evaluation of the mother?

A. Yes. I think she is an unfit mother.

Q. Would that be considered by the profession as a diagnostic evaluation of this lady?

A. My thrust is, "By their fruits ye shall know them."

Q. Answer my question, Doctor.

page 492] A. The answer is diagnostically yes, she is an
unfit mother. Her child is proof of this.

Q. This was a diagnostic evaluation, the statement she was

an unfit mother, in your report, by you; is that correct?

A. Yes.

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page 495]

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Q. Now, Doctor, do you have a copy of your report that has been placed in evidence? Will you please turn to page 13?

I believe the fourth paragraph down, starting with "When Cameron was asked how his mother punished him" —

Have you got that, Doctor?

A. Yes.

Q. Now, "When Cameron was asked how his mother punished him, he said, 'She put me in my room ten minutes. My mother yells, has temper tantrums, gets up in your room. She really gets mad. She screams at me. I say don't wake the baby. She said Ed will really get you. She wakes up the baby and says I wake up the baby.' "

Was that all one quotation by this 7-year-old child?

A. Do you want me to go into the original record? I will dig it out.

Mr. Howard: You have a right to refer to your records. I think that is correct, isn't it, your Honor?

The Judge: Yes.

The Witness: My answer is yes to your question, and I will get it. I will have to dig through the material here. Yes. Why do you question it?

By Mr. Ferrari:

Q. I was just wondering were there questions
page 496] interspersed with it or was it just one continuous quotation by this child.

A. Sometimes he would answer this way or sometimes he would give a sentence or two.

Q. In this instance he has one quote.

A. That is how I have got it.

Q. When asked how his mother punished —

William James Morgan

A. Yes. This is one quote.

Q. And the term "temper tantrum?"

A. That is right. He used that term, temper. I will be glad to go through and read all the terms he used.

Q. Now you have classified this child as ideationally unstable. Is that the term?

A. Yes, sir.

Q. Define it.

A. A person who is ideationally unstable is one who is unable to keep his thoughts on a particular line, keep coming back and forth.

Q. Now how many children of seven have you found that have been able to do that real well?

A. I would say most of the children 7 are not ideationally unstable. —

Q. By your definition of ideationally unstable —

A. A child of seven, you give him information and they answer questions. They are not jumping around page 497] the place and saying "May I take a look at your watch or clock."

Q. So that when you find a youngster like that, he is pretty mixed up?

A. Yes, sir; pretty mixed up, when you find a youngster like that.

Q. Would you call him a youngster like that?

A. Yes.

Mr. Howard: I think you ought to confine it to him.

By Mr. Ferrari:

Q. You found Cameron *idationally* unstable?

A. Very ideationally unstable.

Q. It is still your contention that you rely on the statements of Cameron, whom you found to be ideationally unstable, to give you what you called, I believe, a history that would constitute a pattern of home life either with his mother or with his father?

A. Yes. He can't dream these things out of thin air, so he has got to get them from somebody, observations.

Q. Did you ever ask him how his father punished him?

A. Oh, yes. I have asked him.

William James Morgan

Q. What did he say?

A. He loves his father more than he loves his mother and his father will keep him in the yard when he does something wrong and talk to him.

I asked him how Sandy handles him. She ap-
page 498] parently doesn't discipline him and she gets ac-
cused by Mr. Crounse but he rates his mother second and his father first.

Q. All of these tests, did you administer all of them?

A. Myself and my wife under my direction.

Q. In your presence?

A. No. My wife is a certified clinical psychologist of the Commonwealth of Virginia and she gave the standard behavior and intelligence test. She is a topnotch expert there and she gave the Rorschach and helped me with other studies.

Q. What tests did you give?

A. Oh, I gave him the Thematic-Apperception test, picture profile test. I will go through and rattle them off.

Q. Well, —

A. I gave him a lot of tests.

Q. Before you do that, Doctor, let me ask you about this Thematic-Apperception test.

Is this a test that is usually given to 7-year-old children?

A. No, but I gave him other tests as well. He was a bright boy.

Q. I see. Doctor, is there a test that is given to seven-year-olds?

A. You got some psychologists looking at reports of
as given to bright seven-year-olds.

page 499] Q. Is this the same test you would give to an
adult over 21?

A. No. The Thematic-Apperception Test, I know the author very well. It has ten pictures for boys, ten pictures for girls, ten pictures for men, ten pictures for women; the same series that Mrs. Gorman took; not the same series. There is an alternate series. If you want me to repeat it for the boys and the girls.

Q. What age?

A. Any school age child.

They don't give it because they gave a picture profile.

Q. What age is given?

William James Morgan

A. School age child.

Q. Grammar?

A. Third, second, and so on.

Q. Now you have seen Cameron on the 2d of September, the 12th of October, the 1st of November; correct?

A. I saw him on the second of September, 12th of October and the 1st of November; right.

Q. Now when was the last time you saw him before that?

A. The last time I think would be the 13th of July, then.

Q. Now you prepared your report after the 13th of July — 7 August — and therefore you were not testing him any longer and you had made your evaluation; correct, sir?

page 500] A. Yes, I spent eleven hours, which is about four times or much more time on him than Dr. Brown did on Mrs. Gorman.

Q. You were conducting a clinical evaluation test?

A. A complete study. It takes clinical and testing.

Q. Together?

A. Yes. The whole thing there. With an adult it takes about 30 hours, as I said before.

Q. But the testing and clinical evaluation need not be done by the same person?

A. No, but under the supervision of one person.

Q. The test — is there not a difference between a psychological test and clinical evaluation?

A. I am the senior psychologist in this particular case so all the data comes to me for interpretation and evaluation. Does that answer your question?

Q. You are a diagnostician?

A. I am a diagnostician. I am a lot of things in psychology.

Q. Are there not many psychologists and psychiatrists that send people or children to diagnostic psychologists for the purpose of a psychological examination involving testing?

A. Yes, but it is a poor practice.

Q. Doctor, you told me that was done quite often.

A. Yes, but it is still poor practice.

page 501] Q. Well, you told me that most *psychiateists* are not psychologists?

A. Yes.

Q. Well now, if they need a psychological test or psycho-

logical evaluation involving testing, who do they send their patients to?

A. Well, they may not send their patients to anybody. If they are looking for patients, they may not take a chance of losing one. They may send it to a psychologist. They may consider themselves so good they can read the mind of a person. It is not necessarily consistent that a psychiatrist sends it to the psychologist. There is a lot of — I mean, the psychiatrists and psychologists have been battling for a long time but the Court of Appeals in Washington here has ruled that their testimony is independent and can be given independently in Court so the psychiatrist doesn't have to take his hat off to a psychologist, or the other way around.

Q. They try to work together?

A. Oh, of course.

Q. Now would it surprise you if I told you Dr. Riesenman —

A. Yes, I have met him here, but I have talked to him on the phone quite a bit.

Q. He is a psychiatrist?

page 502] A. Yes.

Q. Would it surprise you if when he is going to make an independent evaluation of an individual that the best way he knows is to not only take his own clinical impressions but to have the person sent for psychological test, psychological evaluation, and then secure the report on that and put it together with his own clinical impressions and then come out with an evaluation? Would it surprise you if I said that Dr. Riesenman testified in this court this is the best method?

A. Yes. I don't know to whom he sends them.

Q. I am referring to the method.

A. Yes. He says it is the best method, but I have been practicing psychology since 1936 and some psychiatrists do that and some don't. The head of George Washington — this hospital happens to have Jenkins in custody right now — doesn't do that.

Q. Do you feel a psychiatrist can make pretty good evaluations without the psychological test you people can provide them?

A. No, I don't think they can.

Q. So they would be better off if they did send their patients

to you for this?

A. I think psychiatrists ought to have a PhD. and an M.D. degree.

page 503] Q. All combined?

A. Combined.

Q. Now you spoke about Cameron's eating habits being better now. Well now, you saw him on the 2nd, 12th, 12th of October, 1st November. Well, did you eat with him?

A. Yes, sir.

Q. And this is the way you observed his habits?

A. Exactly.

Q. What did you do on these occasions with him?

A. Oh, we talked, we tested him.

Q. And you ate?

A. We had a little glass of milk and piece of cake, piece of candy; whatever he wanted.

Q. This is known as play therapy?

A. No. I do very little play therapy. I don't have much truck with it.

But this is just to find out how he behaves in a certain situation. Conformity training.

Q. What is play therapy?

A. Well, play therapy. I will tell you how it was started. There was a psychiatrist in East 57th Street and he wanted to make a lot of money so he simply got a lot of little rooms and he put the children in there and they would go in there with paint buckets and nails and hammers and they would throw these things around, these kids around

page 504] East 57th Street didn't have any playground. They used to kind of wreck the place. These children were repressed and they were handicapped. They didn't have emotional expression but I feel the play therapy better can be conducted in the home if a psychologist and psychiatrist are going to put up little rooms. Unless he is arriving at a diagnosis he better let the mother or the father engage in the play therapy.

Q. Well, if the mother or father did it — you talk about therapy. They are not therapists, are they?

A. The term therapy is a kind of a loose term. If you play with a child you are giving the therapy, you are giving emotional expression. I mean, you are releasing his hostilities.

William James Morgan

Q. Well, would you define psychotherapy?

A. Psychotherapy is just another word for therapy.

Q. What is therapy?

A. Therapy is improving his condition if he is a little wound up.

For example, I said to Cameron, I thought he was a very friendly person because he was making so many friends. "But you should go to the school where I go. They don't think of many friends up there."

I was trying to make new, a lot of friends at his new school.

page 505] Q. Do you ever play a game with him?

A. No. I think it is mostly a waste of time. They throw darts. I think my time is too valuable to throw darts with a child. I will engage in discussions with him. I will ask him questions but I know he went for play therapy.

I think it is a movement that will disappear. I think when parents learn that what they are getting for their money they will just decide they can do a better job themselves.

Q. You *wouldnAt* agree, then, when you use the term play therapy this is merely a description of a therapy, of psychotherapy? That is usually administered to children of tender years?

A. Yes. They don't know what else to do with them so they play with them.

Q. Now, were you still evaluating Cameron on the second of September, the 12th of October, and the 1st of November?

A. Yes. I was still making notes to see to what extent he was making progress or not making progress.

Q. Now it is your professional opinion, then, after you had seen and finished seeing Cameron on the 13th of July, you didn't recommend any therapy; is that correct?

A. Play therapy. No. I thought the family could do it better.

Q. Any therapy?

page 506] A. Oh, no. I told the father I have got a lot of notes as to what I have told Mr. Crounse and Mrs. Crounse.

Q. Please refer to them.

A. See once a month for about an hour with books.

I felt if you work around the school, you have got a sub-

stantial therapy situation, not just playing with dolls or throwing. I suggested at least that, but I made many, many specific recommendations to Mr. Crounse and Mrs. Crounse. They have, I must say, been carrying them out very, very well.

Q. Psychotherapy — you did not recommend that?

A. When I see a boy once a month with his books, that is psychotherapy.

Q. Oh, that was the psychotherapy?

A. Of course it is psychotherapy.

And see him more often if necessary, and I also recommended he needs a complete annual evaluation.

Mr. Ferrari: Thank you, Doctor. I don't have any further questions.

Mr. Howard: I just have three quick questions.

REDIRECT EXAMINATION

By Mr. Howard:

Q. Doctor Morgan, did you have a report from the doctors up in New Canaan who had examined this child as a part of your history?

A. I had those reports which were prepared, page 507] yes. I think — yes, I did see those reports.

Q. Who gave you those reports?

A. Let's see. Dr. Ogdon had a letter and there is — I referenced those in my own report.

Q. I mean, did you see the report before you made your —

A. Yes, I did.

Q. Now let me ask you this:

Mr. Ferrari asked you if at any time people are sent to you by a psychiatrist to be psychoanalyzed and I believe you said yes.

Is that correct?

A. Well, not psychoanalyzed.

Q. Evaluate psychologically.

A. Yes.

Q. Now when you do the test and you get results for those

tests, how do you interpret those tests? What method do you use to interpret the test?

A. That is, I simply study the material. I score the material. I get tests that I can score.

Q. What term do you have to apply against the results of your tests?

A. I have the history — I have the test.

Q. That is it.

Now there is one other thing you have been asked a lot of questions about: What the Gormans knew and what the Gormans didn't know about you being in this picture.

page 508]

Do you by any chance know who was the counsel in this case before Miss Harrison and Mr. Ferrari?

A. No, I don't.

Q. You don't have any knowledge about any negotiations I had with the previous attorneys concerning you?

A. No.

* * * * *

page 517]

PROCEEDINGS

The Judge: Now, do I understand the complainant has rested?

Mr. Howard: That is correct, sir.

The Judge: Are you ready to proceed?

Mr. Ferrari: Yes, sir.

The Judge: Call your first witness.

Mr. Ferrari: Miss Faloney.

Thereupon

MARY ELIZABETH FALONEY,

having been previously duly sworn, was called as a witness by and on behalf of the defendant, was examined and testified as follows:

DIRECT EXAMINATION

By Mr. Ferrari:

Q. Would you please tell us your name, occupation and

residence?

A. Mary Elizabeth Faloney, New Canaan, Connecticut; occupation teacher.

Q. And what grade do you teach, and where?

A. I teach second grade in New Canaan.

Q. In New Canaan public schools?

A. New Canaan public schools, for the past six years.

Q. Before that where did you teach?

A. I taught six years in Glastonbury, Connecticut.

page 518] Q. What grade?

A. Second grade.

Q. Do you know Cameron Crounse and Mrs. Gorman?

A. Yes, I know Cameron and Mrs. Gorman. Cameron was a student in my second grade class last year.

Q. When he did he start?

A. Cameron started in my room last year, in the fall, in September.

Q. Now if you will, Miss Faloney, please, as briefly as possible, describe the work and activities of Cameron at the start of the semester, and moving on in, and your observations of his work and his activity?

A. All right.

In September when Cameron came into the second grade, he was an extremely difficult child in that he was very inattentive, wanted my attention constantly, had a great deal of difficulty in relating to other children.

He needs a great many things. He was—we were constantly aware of Cameron in his attitude and his discipline. He was unable to follow rules and regulations that were put upon him in this school system.

Q. How many children did you have in your class?

A. At the beginning of the year, there were only 26, but as the year progressed, it became 28. It was a very good class, a good working class. The children were very

page 519] helpful to one another. As far as Cameron's work went, at the beginning of the year there was very little work in that he was unable to pay attention, to sit still and to follow directions.

Q. How did he get along with the other children in the class?

A. Not very well. He found it difficult to play with other children. He found *ithard* to accept their criticism or when they would be playing a game, for instance, and he did not win, he would become very upset.

Mary Elizabeth Faloney

He had many emotional problems. I should say emotionally—yes, they were emotional outbursts of temper and many loud cries, perhaps, over nothing, maybe a pencil that was in the way, just some little thing, would set him off.

He was difficult.

Q. Excuse me.

A. Mrs. Gorman came to see me if I remember correctly. I believe it was two or three weeks after school had started and Cameron had been bringing home unpleasant, unproductive papers and she was concerned as to what the story was, why he was doing so poorly, what could I do to help Mrs. Gorman, and I had many conferences about Cameron.

Q. Did you work anything out or decide to take any steps mutually between you to attempt to correct this situation?

page 520] A. I think in the first conference, Mrs. Gorman and I decided that perhaps we could work together and we gave each other ideas to help one another.

For instance, I would suggest that perhaps Cameron have a routine job, set up a responsibility pattern and this would help him with his work in school; learning some of this by routine, a good steady pattern.

Mrs. Gorman suggested that perhaps Cameron could be, as we use the term in second grade, a helper; water the plants and this sort of thing.

With this work Cameron was delighted. He often forgot, yes, but still this was his job. Now he didn't always have a job. We tried to fix it so that he would, so he would have a part in our classroom.

Q. And after talking with Mrs. Gorman, and this was on a number of occasions—

A. Oh, a great many. I think they were perhaps too numerous to count. If they went in personal talks, we had many, many phone conversations—I couldn't, it would be impossible for me to say and be accurate.

Q. Well now, after this started, this conference with Mrs. Gorman, and so forth, and as the term progressed, can you tell us how Cameron did?

A. As I said, Cameron was very difficult. He was, in comparison to the other children, hard to handle. As

page 521] I said before, inattentive, and I believe it was on maybe the third or fourth conference with Mrs. Gorman that we decided that perhaps Cameron needed someone else, someone to give us a guiding hand as to in what direction we should help Cameron. In other words, we rea-

Mary Elizabeth Faloney

lized—we realized Cameron needed help. I was not able to give him this help as to why he did the things he did.

Q. Do you mean by that professional help?

A. Professional help, medical help, someone who could tell us just what to do for this youngster. He obviously needed something I was not able to give him.

Q. Well, after you had discussed that matter, as you say, and the term moved on, would tell us what, if any, progress the child made?

A. The progress there was—he was very slow; perhaps in comparison to other children, it was even slower, but for Cameron I felt and believed there was progress. We had, as they say, pretty good sailing. There were upsets and there were emotional outbursts. I was pleased that Cameron and I were establishing some rapport and he was establishing some with the youngsters in the classroom.

He did fairly well, for Cameron, until the day that we stopped school in December for Christmas.

Q. How long is that vacation, Christmas vacation?

A. I believe it is about ten, eleven days.

page 522] Q. I see.

A. And Cameron was very difficult, extremely difficult. *Iwas* unable to handle him.

Q. This you *way* was just prior to Christmas vacation?

A. The day we closed school on Friday and then he—this was just the beginning of our Christmas vacation.

I didn't know what had happened or if something had triggered him off and Mrs. Gorman picked him up and I asked her if something had gone wrong, and she explained he was on his way for a trip. I don't know whether this has any bearing. I think he was terribly excited.

Q. All right. Now how about the return after the Christmas vacation?

A. It was almost as if September were here again. Not as bad but I think perhaps the only way I can describe Cameron in this period September and December was that it was, he was just a little keg of dynamite and perhaps any little thing could trigger him off. He was unable to produce any work academically; *sociallyhe* was unable to play with the children.

Q. Now, before Christmas, did you have any occasion to speak with Mr. Crounse?

A. Oh, yes. I believe it was perhaps just about a year ago that Mr. Crounse came to visit school. He called—I believe he contacted Mrs. Gorman and we arranged a conference.

Mary Elizabeth Faloney

page 523] Unfortunately, it was a very short conference, as it had to be, during noontime and the youngsters came in at 12:30, if my *meory* serves me right, Mr. Crounse's family asked about Cameron's academic progress. I told them it was very poor. He was unable to pay attention and his discipline was poor, and so forth. I am trying to just remember exactly what happened.

Q. Did you make any suggestions at that time, at that conference in November?

Mr. Howard: Of course, your Honor, I guess I should object to that. I think it is slightly leading.

Mr. Ferrari: All right.

The Witness: I couldn't answer.

By Mr. Ferrari:

Q. If you can't remember, we will go on.

All right. Picking up again, Miss Faloney, after the Christmas vacation and Cameron's return to school, then can you describe what developed after that with the child in the rest of the school year?

A. Yes. After the Christmas vacation and after a period Cameron settled down. He became, shall I say, less obvious in the classroom. He still was of course, but less for Cameron, and things were going along quite well until—well, they were going along quite well and then we had a February vacation.

page 524] Q. And what is that called?

A. Our winter vacation. We have a six-week system of sorts.

Q. I see. And how long is it? How long is this?

A. It is a complete week.

Q. I see.

A. It started on February 21 and school resumed March 2nd. Cameron was excited about this vacation in that he told me, without my asking him, that he was going to Florida to visit his grandparents and that he would bring me back seashells and I was pleased at that.

I felt we were more friends, better friends than we had been before. When he came back he looked very healthy and very tan, but a little bit subdued, not quite as much go out, going, needing my attention as vocally as he did before, I didn't understand why, that one of the youngsters told me Cameron's had burned.

Of course, this would explain that Cameron was sad. Cameron was a little boy who had a great many treasures; lots of

little rocks and books and fortunately, for Cameron's sake I think we will not miss.

I had a good many of his books in school.

He supplied me with all my reading material for the youngster so this one was good for Cameron.

He had these books and some other toy that he loved and he had left it in school and of course this helped page 525] make him feel a little bit better about his loss. He had lost his *biscycles* and things little boys lose. This was a hard period not only hard for Cameron socially, perhaps, but this same week that we returned—we have a testing program—it is the Stamford Achievement Test, that was given right after vacation, for Cameron. This was an unfortunate time.

Mr. Howard: Well now, your Honor, I don't think the witness should attempt to put in her opinion. The facts *Idon't* object to, but I don't think it is proper what was or what was not an unfortunate time for him. I will object to an answer of that type.

The Judge: Objection overruled.

By Mr. Ferrari:

Q. Go ahead, Mrs. Faloney.

A. These achievement records or tests are given throughout the town of New Canaan and I bring this up because Cameron was upset. This was a hard thing for him to understand and to comprehend; therefore he would not do as well on the tests as ordinarily.

Q. Can you briefly describe the nature of the test?

A. Yes.

Q. And just briefly, how he did, and the score.

A. This is more or less of a test he has to himself read. Cameron obviously has reading problems. This would be difficult. They test the word meaning and our grade page 526] level at that time would have second grade, 7th month, and Cameron came out second grade 7th month. The thing to remember *her,* there was a short test there. It as not lengthy. It was a long paragraph, that he could work at it, and if I am not mistaken, it was a 20-minutes' test, where they had to sit.

Now the paragraph meaning—

Q. Go right ahead.

A. He came out first grade-6th month and a one percentile,

meaning that 99 percent of the second grade school in the town of New Canaan did better than Cameron.

This particular test is very long, very involved a great many paragraphs. Cameron naturally would not be able to sit still this long.

He wasn't able to, he was too restless. The interesting part, I think, is how well he did on social studies and science. He came out with a fourth grade average in the 78 percentile, but this social studies and science was read to him by the person giving the test, which was myself.

Of course, this is one of Cameron's strong points. He loves this. The spelling, one percentile. 99 per cent of the other youngsters did better than Cameron.

The whole thing, the results of the test were that Cameron showed that he achieved at this time second grade, first level, but this was the 4 percentile, and that, as I say, 96 per cent of the youngsters in New Canaan did better than

page 527] Cameron. I don't know. Perhaps—

Q. No. I understand this, as you say, is an achievement test. Did you form any opinion as a teacher with respect to his capabilities?

A. Yes. I felt Cameron had a great deal of potential but because of his inattentiveness and restlessness, that he was unable to reach his actual potential, he wan't able to *achief.*

He does have the ability.

Q. Well, this, as you say, took place in the first part of March of '64?

A. In March, yes.

Q. Well now, can you bring us on up to the end of the term and describe Cameron's activities and how he got along and so forth from that point?

A. From this point, this was in March, Cameron showed improvement in that he was able to sit for longer periods of time. Even listening to a story he was able to sit much longer and being able to listen, not by much, *bue* for Cameron it was so.

Q. Did you have occasion to see Mrs. Gorman during that period?

A. Oh, yes. As I say, Mrs. Gorman and I talked on the average of once a week, either personally or by telephone.

Q. I see.

page 528] A. We were always comparing notes and, shall we say, asking each other just to let her know where he was standing within the class so he would understand that he wasn't doing well and why I thought he wasn't doing well.

Mary Elizabeth Faloney

Q. Well, can you tell us now just about how far he had gone by the end of the term?

A. You mean in June?

Q. In June.

A. I felt, and I was very pleased, I felt that Cameron had made many gains. He was able to do the assigned work that was given to him that the other youngsters were doing. More so than he had been before. He was not as much of a problem. He didn't demand as much of my time as before. He was not as noticeable for instance, in the cafeteria, on the bus platform. I wasn't hearing stories that Cameron did thus and so. This tapered off.

Now, there were times when this would happen but not as much. I felt that Cameron and I had a nice rapport. I think we got along toward the end of the year and this I was very pleased with.

When it came time for promotion this was a big problem as far as I was concerned. I felt that Cameron—he has the ability but was not able to achieve, but that a year in second grade at this time would be wrong in that Cameron seemed to have *to* many failures and so many things go page 529] wrong for him that this perhaps was not the time to have another failure. He needed to have some success. Also the school authorities and myself, after many consultations; I talked it over with him and we decided that perhaps this was the best idea in that Cameron, once he had some stability, some place to identify himself, that he would perhaps put his two feet on the ground.

We decided, or suggested, that a teacher be chosen for Cameron next year. I was under the impression he would be with us. Dr. Hanes, our principal, agreed. We decided on a teacher that was very calm and very understanding and liked Cameron. She agreed. We had spent many hours talking over Cameron's progress and she knew where he stood in my class.

She would take him from there and work with him. I would like to say here *to* that I found Mrs. Gorman very helpful, very interested, very understanding.

I think perhaps the day we discussed that Cameron—which was in the fall—perhaps *Iam* going back. We talked about Cameron when he needed this professional help. I think this was *fery* hard for a mother, hard for a teacher to suggest that a youngster needs professional help.

Q. Did you have another occasion to speak with Mrs. Crounse after the first time?

A. I spoke with Mr. Crounse May on the telephone.

page 530] Q. Had he called you?

A. Yes. He had called me. We talked about Cameron's school work. I explained to him that Cameron's work was not good, that Cameron had not performed well in school, that I would suggest that Cameron not be repeated at this time; I felt it would be psychologically a bad time to do it.

Q. Did you discuss anything concerning the child's progress?

A. Yes. He explained to him that I thought that Cameron had done better, had achieved at a better rate than he had before.

If I am not mistaken, I also suggested that perhaps if Cameron in August have a cooling off period before he starts school. *Idon't* think it is fair for any child to have to bear the brunt of all the other youngsters as Cameron was in September.

Mr. Howard: I don't get that last answer.

The Witness: Pardon me?

Mr. Howard: I didn't get that last answer.

The Witness: I felt that Cameron was very difficult in September and I did not think that it was fair that Cameron would have to go and did this sort of thing again to be the brunt, which he was highly excitable.

By Mr. Ferrari:

Q. Were there any other vacation periods after February—between February and June, Miss Faloney, that you can remember?

page 531] At Easter?

A. There was a spring vacation.

Q. And how long was that for?

A. This was for another week, a school week, nine days.

Q. How did Cameron react or act before and after that vacation?

A. He came back requiring attention again. There seems to be a pattern here.

Q. All right. Describe that pattern as you have observed it.

A. As I have observed it. It seems to me, and I am not a psychologist, I am a teacher, and I have taught youngsters, I like youngsters and so forth—it seems like every time that Cameron were—from a vacation—Cameron would be easily upset, easily distracted.

Mary Elizabeth Faloney

Would require much more of my time than previously.

It seemed that the longer period Cameron and I had together by the end of that period it was much smoother sailing. We seemed not to have as many of these outbursts as we had previously.

Iam not saying we did not have outbursts. We did, but there were not as many as there were before.

Mr. Howard: You didn't have trouble with Cameron when he returned from each vacation he went on?

page 532] The Witness: Each *Vaction*?

CROSS EXAMINATION

By Mr. Howard:

Q. Each vacation, yes.

A. As it turns out.

Q. Let's talk about Christmas vacation.

When he went to Florida with his mother, you didn't have a bit of trouble with him then?

A. Yes. I did, because his house burned. He was unhappy.

Q. There were no emotional outbursts and no *distufbing* of the other children at that time?

A. Yes. But this was a different thing. He had lost everything; he had nothing. He was unhappy.

Q. I can understand his being unhappy.

A. He did have some emotional outbursts, yes.

Q. After he returned from that vacation with his mother?

A. Yes.

Q. Now he returned from that vacation when, in February?

A March.

Q. What part of March?

A. March 2nd.

Q. And for what period of time after March 2, according to the record you are now looking at, did he continue to have these emotional outbursts?

page 533] A. I beg your pardon?

Q. For what period of time, according to the record you are now looking at did he continue to have these emotional outbursts?

A. He had them on occasion.

Q. I understand he did, but could you give the Court some idea over what period of time they continued?

A. They would appear — it is very hard to say.

Q. I understand; it is.

Mary Elizabeth Faloney

A. It is very hard to say how often.

Q. Do you have any notes that would refresh your recollection?

A. All I have in front of me is my school calendar.

Q. How did you know; speaking in terms of vacation, how did you know where Cameron was going to be? How did you know where Cameron was going to be on these different vacations?

A. I did not know.

Q. You did not know?

A. No.

Q. When did you first learn where he was supposed to be on these vacations?

A. Cameron himself would *tellme* after he had come back. In other words I did not know where Cameron was spending all of his vacations. The only time I would know, when he was spending his vacation, is when he was going
page 534] to the seashore. He offered to bring me back a coconut and seashells.

Q. As you say, you had almost a running conversation with *Mr.* Gorman commencing in September 1963, and continuing right up —

A. Yes.

Q. Of course, you-all never did discuss his vacations at all?

A. No. I don't think we did. I think perhaps May, during the end of the year we had talked about him.

The day before Christmas vacation I knew where Cameron was going, only because I asked Mrs. Gorman.

Q. I understood you to say from when he came back from their vacation he looked healthy, he looked tanned, he was slightly subdued because in your opinion he was upset, because his home had burned, but I understood you to further say from that point on he continued to make progress, his behavior was not as bad as it had been.

A. A very slow progress.

Q. Do you know how many times he visited his father during that period of time?

A. I know that now, that he visited his father sometime in the fall during the football season, if I am not mistaken.

Q. No. I am speaking before, after February.

A. After February?

Q. Yes.

page 535] A. I believe Cameron went or visited his father—I believe I am, I could be mistaken—spring vacation, which was April 17.

Mary Elizabeth Faloney

Q. Well, your testimony was he was making slow, but sure, progress in February on that vacation; then it did interfere with it, did it?

A. When he returned from his vacation.

Q. Is this your recollection or do you have some notes to that effect?

A. This is my recollection.

Q. It is your recollection that each time he came in contact with his father he was in an upset condition?

A. It is my recollection how he returned after vacations.

Q. Well, I understood you to say you would always know where he had been.

A. Not necessarily. Cameron would discuss—sometimes he would tell me where he was going; sometimes he wouldn't tell.

Q. In other words, each time when he returned from a vacation, regardless of where he was, as far as you are concerned, he was back again in that upset condition?

A. Yes.

Q. Now did you, since you and Mrs. Gorman had so many conversations about the child's welfare, did you ever think it important that you visit in the home where Cameron was living with Mrs. Gorman?

page 536] A. No this is not my department. I am not required to do this. We have a school nurse that does that.

Q. You are not required to have as many conversations with a parent as you did with Mrs. Gorman, either, are you?

A. No, but in Cameron's case, yes.

Q. Beg pardon?

A. In Cameron's case, yes.

Q. Why?

A. She needed to know where he stood. I needed to know her attitude. I needed to know if she was willing to listen to what I had to say, if she was understanding.

Q. You-all even went so far as to discuss the boy have some help from psychologists or psychiatrists, did you not?

A. Yes.

Q. Did you ever talk to the boy's stepfather about his condition?

A. Yes. I told Mr. Crounse.

Q. Not Mr. Crounse; Mr. Gorman.

A. Oh, stepfather. Yes. As a matter of fact, Mr. Gorman asked if he might visit the classroom, which is a normal situation, that Cameron had asked him to come. Cameron asked me if his father — Mr. Gorman could come. We arranged it so

Cameron would read for Mr. Gorman. Cameron put on a good show. He was delighted.

Q. What I am interested in, did you ever dis-
page 537] cuss Cameron with Mr. Gorman, his behavior in school and his lack of academic progress?

A. Not in detail. I did with Mrs. Gorman.

Q. Well, did you ever discuss it with him?

A. Very briefly.

Q. When?

A. I can't remember. Perhaps when he picked up Cameron for some reason, which is the usual comment, how is so and so doing, and —

Q. Go ahead.

A. And you say, well, there is room for a great deal of improvement, but he is trying very hard; he is still not achieving — I don't remember my exact words — and I don't remember, to be honest, when this transpired.

Q. You didn't go into the detail, of course, that you did with the mother, did you?

A. No. I did not.

Q. Now you wrote a letter. Let me ask you this and see if you recall that. A copy of this, I believe, is in evidence. I don't know the exact number, your Honor; it is a letter from Mrs. Faloney to Mrs. Gorman dated June 24th.

This is your letter, is it not?

A. Yes, it is.

Q. *Mrs.* Faloney, that letter was written on the 24th day of June 1963; is that correct?

page 538] A. This letter was written June 5.

Q. June the 5th?

A. 1964.

Q. I don't know what is the matter. The letter was written on June 5th, 1964.

A. Yes.

Q. Was that after your school year had closed?

A. No; this was just prior to the closing of school.

Q. Just prior?

A. Yes.

Q. Under what circumstances did you write that letter?

A. Mrs. Gorman asked me if I would write a letter explain-

ing Cameron's emotional adjustment, his academic performance. I said I would.

Q. Did she tell you why she wanted you to write that letter?

A. That she felt this was necessary as far as all the details — no — I knew she wanted it for, I assumed it was for a lawyer.

Q. For a lawyer?

A. And this I don't know.

Q. In other words, she had told you then she was going to do something about attempting to curtail visitation period?

A. Visitation period.

Q. Mrs. Gorman discussed this case with you

page 539] in detail; isn't that correct?

A. Not in detail; no, sir; as far as Cameron was concerned, yes.

Q. Well, that is what I mean.

A. As to the case, no.

Q. She told you definitely what she wanted to do and what she intended to do as far as Cameron was concerned; isn't that correct?

A. I think what she told me is what she thought would be the better thing for Cameron than perhaps would be —

Q. When you wrote that letter did you put in that letter what she told you to put in or did you put in actual facts?

A. Actual facts.

Q. What in that letter reflects Cameron's condition as far as you are concerned?

A. On an overall period; not as to that day.

Q. That would be from September to June, though, would it not?

A. Yes, perhaps.

Q. Well, you say you wrote it. You understood a lawyer, and you certainly knew that lawyer, from what Mrs. Gorman said, intended to put it in court?

A. No, I did not know.

Q. You did not?

A. No, I did not.

page 540] Q. Did she tell you why the lawyer wanted the letter?

A. I don't remember.

Q. Well now, you remember she talked with you?

A. Yes. She asked me for a letter to describe Cameron and his schooling.

Q. All right.

A. And this is what this is.

Q. Not only his schooling; his behavior, his emotional instability?

A. His behavior.

Q. She told you she wanted that letter for a lawyer in New Canaan?

A. For a lawyer.

Q. That is what I say; a lawyer.

Q. I don't know where he was.

Q. Did she tell you why the lawyer wanted the letter?

A. If I am not mistaken, it was to see if we—if we—

Q. If we what?

A. If the visitations could be shortened during the summer so that Cameron would have a period of time to adjust to New Canaan, so he would be ready to start school in September.

Q. You started to say, and you caught yourself, if we can shorten the vacation.

A. I don't—this was not—I wrote the letter on page 541] Mrs. Gorman's request.

Q. Miss Faloney, isn't it true that Mrs. Gorman and yourself discussed various ways and means of trying to curtail these summer visitations?

A. We discussed various ways and means to help Cameron and this is one way I felt this would help Cameron.

Q. At that time had you talked with the psychiatrist or psychologist to try and determine what was the cause of his condition?

A. I never talked to the psychiatrist. I did talk to a Dr. Pollon, that had examined Cameron. The doctor suggested Cameron not be pressured into any school work but that he had certain rules and regulations to follow within school.

Q. Well, since you had involved yourself to the extent that in your own mind *youhad* formed an opinion as to what was the cause of Cameron's condition—

A. No, I hadn't formed an opinion.

Q. Why were you so interested, then, in trying to help Mrs. Gorman terminate the visitation period?

Mary Elizabeth Faloney

A. Because of actually observing Cameron in September. Wouldn't I believe that perhaps whether it was right or wrong to give Cameron a chance of a stabilizing period before entering school. This may not have been the cause; perhaps it was.

Q. You thought that was the whole cause?

page 542] A. Perhaps part of the cause. I don't know. I am not a psychologist.

Q. I understand that you are not. Didn't you think, along that same line, it might be well to attempt to ascertain from Mr. Gorman to see under what conditions he lived in his home?

A. No, I did not.

Q. Do you know anything about the conditions under which he lived in the *Morgan* home?

A. By conditions you mean—

Q. Anything about how the people in that home lived.

A. No. I was not concerned with how they lived. I was concerned with Cameron.

Q. Did you have any opinion with regard as to whether or not Mrs. Gorman was emotionally unstable?

A. No. I think if she was ever going to be emotional I think it could have happened during the conferences. I have never found her to be emotional.

Q. You never had any reason to believe she was at all emotional?

A. No.

Q. Subject to pressure, when under strain or tension or anything like that?

A. No.

Q. *Younever* saw any outbursts on her part?

page 543] A. No.

Q. Now, Miss Faloney, as of June the 5th, 1964, at the request, you have already testified, of Mrs. Gorman, you wrote a letter which you understood and knew she was going to present to a lawyer in connection with this problem you had talked about with her on the visitation period.

You set forth in that letter what in your honest opinion was Cameron's overall condition commencing September 1963, and extending up to '64.

So when you said Cameron is, not was, but is an extremely difficult child emotionally, socially and academically, do you

say that you did not mean that to reflect his condition as of June 1964?

A. Cameron is all of these things, but—

Q. Miss Faloney, do you understand my question?

A. No, I don't.

Q. Let me ask you again, please.

On June the 5th, 1964, at the request of Mrs. Gorman you wrote a letter to her.

A. Yes.

Q. You understood that it was her intention to *prsent* this letter to an attorney in connection with what you-all had discussed, meaning Mrs. Gorman and yourself, about terminating or reducing the visitation privilege; isn't that correct?

A. Yes.

page 544] *A. Yes.*

Q. I believe you have already said what is in this letter is the truth; it is your own wording; and not something suggested by Mrs. Gorman.

A. Absolutely not.

Q. Then as of June the 5th, 1964, you said Cameron is an extremely difficult child, emotionally, socially and academically. Did you mean that as of the date you write it?

A. Yes.

Q. All right. He is a bright youngster. In other words, there is no question about the fact this boy has potentiality, plenty of ability. He has a very high I.Q.?

A. Yes.

Q. It is just a matter of having him apply himself and he will do much better work than he did for you, wouldn't he? Isn't that true?

A. Than he did for me.

Q. Well, for the classroom, not you individually; but in your classroom. Isn't that correct?

A. All right.

Q. All right. But you said but because of his restlessness, inattentiveness and emotional outbursts, he is unable to perform as he should.

A. That is right.

page 545] Q. And as far as you are concerned, as long as that problem exists with this boy, he will never do his best work, will he?

Mary Elizabeth Faloney

A. Yes.

Q. He wouldn't, will he?

A. Yes.

Q. And in your conversations with Mr. Crounse, you told him that you just couldn't do anything with this boy; isn't that true?

A. I told him he was very difficult to handle; yes.

Q. You also told him that based on these tests, which you interpreted for the judge, he was not definitely ready for the third grade; isn't that true?

A. Yes.

Q. But you told him that Mrs. *Morgan* and yourself had discussed that matter, had you not?

A. Yes.

Q. And that as a result of those discussions, you had decided to advance him to the third grade; isn't that true?

A. Yes.

Q. And you know as a teacher, based on that test that you have in front of you, he definitely was not ready for the third grade, don't you?

A. Yes.

Q. And as you have already said, if he continues page 546] to have the condition that he had as observed by you between September of 1963 and June of 1964, he will never make the progress he should no matter what school he is in?

A. Yes.

Q. All right.

Now, just pardon me one second, please.

Miss Faloney, I am just about through.

Are we talking about the same thing, the paper that you were reading from, that you said was a test given by the school? Is that headed up, described, "Cumulative Record?"

A. Yes, it is.

Q. Well, to save time, take a look at this, if you will, and see if this a copy of what you were reading from when you testified.

A. Yes, it is.

Q. Now, on what date was this test given?

A. March 3rd.

Mary Elizabeth Faloney

Q. March the 3rd. On what date did Cameron return from this vacation with his mother?

A. March 2nd.

Q. He came back on March the 2nd?

A. Yes.

Q. And school opened on the 3rd?

A. School opened up on the 2nd. He was in my classroom Monday morning, March 2nd.

page 547] Q. Did you know when he returned from the vacation?

A. No.

Q. Do you know when the house burned?

A. No, I do not.

Q. Well, how did you know the house had burned?

A. How did I know the house had burned? A youngster had told me. I then immediately asked someone in the area, as I do not live there during vacations, what had happened and was it true that Cameron's house had been burned.

Q. Well, then, you knew that before Cameron came back to school?

A. No. I did not; I didn't know this until a youngster in the classroom told me.

Q. When did that youngster tell you?

A. Sometime during Monday.

Q. On March the 2nd?

A. Yes; the day the school resumed.

Q. You knew it on March 2nd, the day before the test?

A. Yes.

Q. You knew on March 2nd Cameron was not his normal self?

A. Yes.

Q. I assume that when you learned his house had burned, you spoke to him about it?

A. No. I didn't.

page 548] Q. You didn't?

A. No, I did not ask him about his house. I left myself available if he wanted to talk to me about it. Well, then —

Q. Why do you say that that when he took this examination on the third and did so poorly, that was his performance rather than because of the fact his house had burned?

Mary Elizabeth Faloney

A. He took the test.
Q. On the 3rd of March.
A. On March the 3rd.
Q. That is right.
A. He was upset about something.
Q. When did you determine he was upset?
A. He was not his usual — he was more quiet.
Q. On March 2nd?
A. When school resumed.
Q. That would be March 2nd.
A. Yes.
Q. Since you then knew he was upset, more quiet, you had such an interest in him, it didn't occur to you at that time, even with knowledge that his house had burned, to see if that was his problem?
A. I don't ask children; I believe they tell me.
Q. *Kowing* as he had been a problem child, you had been talking with his mother since September 3rd?
A. Yes.
page 549] Q. When he came back from this vacation, it was apparent he was not his normal self?
A. Yes.
Q. You had knowledge of the fact his house had burned and you didn't think it was necessary to say anything at all to him?
A. I would like to have, but I wanted him to bring it up.
Q. With full knowledge of his condition that you had in your mind, you permitted him to take the test the next day?
A. I had no choice. It is a town test. Everybody is given this particular test on this particular day.
Q. If a child is ill on the particular date this test is given, is there any arrangement with the school, whereby he can take it again?
A. No.
Q. In other words, he takes it that day or he doesn't take it, no matter what his condition is?
A. Yes.
Q. There is no such thing as a repeat test?
A. There is a repeat test.
Q. Did you make any arrangement to have him take this test?

Mary Elizabeth Faloney

A. No. I didn't think that it was that important.

Q. You are saying to the Court that you feel
page 550] his poor performance was the fact he was upset
over the burning of his home?

A. Yes.

Q. You do not feel for that reason it correctly reflects his ability?

A. I think that he perhaps would have done better.

Q. Well, with that in mind, being his teacher and having an interest in him and particularly knowing he was an unusual child, the thought didn't occur to you that it would be only fair to the child to let him repeat the test?

A. It would have been.

Q. But you didn't do it?

A. No, I didn't.

Q. Again, by the result of this test in at least — if I am incorrect, you tell me, please — in at least four subjects, is that right, he was about first grade level?

A. Yes.

Q. And he never did get over second grade level in any of them except in that social studies, did he?

A. And the word meaning in the first one.

Q. The what?

A. The first column.

Q. That is where he had .27. Now, did you say anything to Mr. Crounse about the discussions that his former wife and
himself were having with reference to what the
page 551] two of you thought was best for Cameron?

A. We talked about it. Mrs. Gorman and myself.

Q. No, I want to—

A. I told Mr. Crounse that Mrs. Gorman and I had been in touch and we discussed Cameron's progress.

Q. Didn't Mr. Crounse make it perfectly plain to you that he too was interested in trying to determine the cause of this condition?

A. Yes.

Q. There is no question about that. I mean, you have no interest in the outcome of this case, do you?

A. No.

Only to see that Cameron is happy, and —

Mary Elizabeth Faloney

Q. Of course you don't know whether he is happy today or not, do you?

A. No, I don't.

Q. But as far as any contact you have had either with Mrs. Gorman or Mr. Crounse, you want to be perfectly fair to the Court?

A. Yes.

Q. And certainly would you say on the two contacts you had with Mr. Crounse, he very well evidence an interest in the boy?

A. Academically, yes.

Q. Well, you mean other than academically he
page 552] was not interested in the welfare of Cameron?

A. Yes. He was, in that I think we talked about perhaps Cameron needed some kind of help.

Q. And didn't he make it perfectly plain he wanted to do anything he could to see that Cameron got that help?

A. Yes.

Q. And didn't he ask you if it was his opinion that visiting with him was the cause of this condition? Do you remember that?

A. No, I don't.

Q. You don't have any recollection of Mr. Crounse talking with you about the effect his visitation had on the child?

A. I believe in that telephone conversation that I explained to Mr. Crounse that Cameron appeared to be more difficult after vacations.

Q. Didn't Mr. Crounse tell you he was interested in trying to ascertain and find out if these visitation periods with him were having a bad effect on Cameron?

A. I believe so, yes.

Q. And didn't he try to get you to express an opinion as to whether or not you believed that these visitations were the cause —

Q. I don't.

Q. — of the child's problem?

page 553] A. I can't say what the cause is. I do not know. I can only assume.

Q. And this is exactly what you told Mr. Crounse?

A. I believe so.

Q. That you definitely would not say and could *no*5 say

that the summer visitations were responsible for the condition at all; isn't that true?

A. I could not say in a psychological way; only as a teacher.

Q. I am not asking you. We have got plenty of psychiatrists and psychologists and there will probably be more. I am only asking you, isn't it true when you talked to Mr. Crounse on the telephone that you could not and you would not say that the visitations with the child, with him were responsible for this condition.

A. I said there was a possibility and this could be a big cause.

Q. Now, *Mrs.* Faloney, you have been teaching school how long?

A. 12 years.

Q. And have you always taught the lower grade students?

A. Always taught second grade.

Q. I guess in that period of time you have come in contact with many, many of those children?

A. Yes, I do.

page 554] Q. And you have certainly before in your profession had in your classroom many, many children who came out of homes where parents were divorced?

A. Very few.

Q. Very few?

A. Yes; to be honest, very few.

Q. And do you know *anyting* about the visitation arrangement between the parents in those particular cases?

A. Yes, as much as was necessary to know for the school record.

Q. And, well, you think any child, no matter what parents he is with, there is a certain amount of adjustment period that he or she has to go through?

A. *Shis* is very difficult to answer, because Cameron is not a normal, average youngster.

Q. What is your description of Cameron, if he is not an average, normal youngster, as compared with other youngsters?

A. As I have said, Cameron requires a great deal of attention. He isn't able to concentrate. He needs so many things. These outbursts —

Mary Elizabeth Faloney

Q. In other words, then, definitely, being as generous as we can be, you would say he is a disturbed child?

A. In my own opinion, yes.

Q. He was a disturbed child when he came to you in September 1963, was he not?

page 555] A. Yes, he was.

Q. Was a disturbed child in June 1964, was he not?

A. Yes, but I would also like to say he had slight improvement.

Q. Well, you didn't have anything about that in the letter on the date of June 24.

A. No. I wasn't asked to.

Q. Didn't Mrs. Gorman ask, didn't Mrs. Gorman ask you *you* to correctly and truthfully state the child's condition in your letter?

A. Yes; and this is true. Cameron, when he still left in June was still a disturbed youngster but there was improvement but he still is a disturbed child.

Q. But if you wanted to be fair to the child, don't you think it was only right when you knew this letter was going to the office of an attorney, to modify this language, to show that he has shown some improvement during the year?

A. Perhaps it should have been, but it was not included.

Q. But you didn't, did you?

A. No, I didn't.

Q. But you say it was not the wording of Mrs. Gorman, but your individual wording?

A. It was my own wording.

Q. And you stand by this letter you wrote June 1964, don't you?

page 556-57] A. Yes.

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page 558]

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EDWARD GORMAN

having been previously duly sworn, was called as a witness by and on behalf of the defendant, was examined and testified as follows:

DIRECT EXAMINATION

★ ★ ★ ★ ★

page 559] A. Edward Gorman, 738 Weed Street, New Canaan, and I work for Melvin Shoe Corporation. I am a vice president in the company, Thom *McCan* Division primarily.

Q. And how long have you been with that company?

A. About 15 years.

Q. And you are the husband of Mrs. Aneen Gorman, the defendant in this case?

A. I am.

Q. And how long have you been married?

A. A little over three years.

Q. And when was this marriage, sir, 1961?

A. October 28, 1961.

Q. And how many children do you have?

A. We have one child who is 25 months old, and we have a stepson, my stepson.

Q. And his name is Cameron?

A. Cameron.

Q. And he is Mrs. Gorman's son by her previous marriage?

A. Yes.

Q. Now I direct your attention, Mr. Gorman — when did you start living in New Canaan?

A. Just two or three days after we were married. Approximately the first of November 1961.

Q. And was this in a home?

A. Yes. We had bought a house there.

page 560] Q. Would you describe the home and its size and capacity?

A. Well, it was a house. It is a house. It was a house built in about 1931. It is a four bedroom house. They call it farmhouse colonial in that area.

It is in a neighborhood of houses that were — it was one

of the more modest houses in the neighborhood in which it was located.

About three acres of land around; three acres of land, apple trees, screened porch.

Q. Do you have any other residence property?

A. Yes. We have a house at East Hampton on Long Island, about ten years.

Q. How long, sir?

A. About ten years.

Q. This was your house prior to your marriage?

A. It was my summer house.

Q. What is it used for?

A. Well, we have, I used to use it before I was married for my summer residence.

After we were married and living in New Canaan we didn't need a place like East Hampton, so we rented for two summers.

It is a house of 75 or 100 years old, four years old, four bedrooms, complete house with trees and lawn.

Q. Have you used it for vacation at all since
page 561] your marriage to Mrs. Gorman?

A. Yes. We would rent it for the three summer months — the summer season, and we would try to spend weekends there in May or after the summer season we used it as our residence this year.

Q. I see. Now you are not presently living in the home you bought and resided in when you first resided, when you first married in New Canaan?

A. That is right.

Q. Will you tell us under what circumstances this is and why you are not living there, please?

A. Well, that house burned on February 26 of this year to the ground.

We were away — Mrs. Gorman and the two children were in Florida visiting her parents *recently* who recently moved there. It was a winter vacation at school. I was in California on a business trip and we had all left together on Friday night, they on one plane and I on another, and I discovered when I flew into Los Angeles on a Wednesday morning I had a message actually to California, my office and I discovered the house had burned down that night.

Edward Gorman

Q. Has any cause been determined?

A. No. We have — it's been kind of a problem in New Canaan; as a matter of fact, it's continued; to find out what happened. The three possible, likely causes have page 562] been eliminated — furnace, something electrical or someone breaking into the house for thievery.

I *spend* three days sifting through the rubble with the fire marshal and the detective and looking for clues.

Q. Were most of the family's belongings lost in this fire?

A. We lost everything; library, clothes, our art collection; everything. Car.

Q. Well, what arrangement, Mr. Gorman, did you make after this occurrence, for living?

A. I flew back from California, from Los Angeles, that day, that morning, as soon as I discovered or learned what had happened, and met with the fire chief and the insurance people that night in New Canaan. And then the next day stayed with friends, the next day arranged for temporary quarters in the inn in New Canaan.

Q. This is the New Canaan Inn?

A. Well, it is called The New Hampton Inn.

Q. How long did you stay there?

A. We were there somewhat less than two weeks, as I recall, about two weeks; ten days or two weeks.

It was not a, it is a nice inn, but not a place to stay indefinitely with a child going to school, and so on and so forth.

Q. What arrangement, then, did you make for page 563] living quarters?

A. We found a house, which is a very difficult thing to do in New Canaan, a furnished house. That is because we had no furniture, but we happened to have a number of friends in the real estate business in that town, and many other friends. This was a well known incident in New Canaan. We automatically found a house that was rented to us almost as a favor. It was an old house, 18th century house actually. It had been restored.

And we lived there until approximately May. The people who owned it lived in New York City and they use it for their summer residence when they came up there for the summer.

Then we found another house. As a matter of fact the woman who lived in that house as a favor moved in with her

sister, so we could rent that.

Q. This was furnished?

A. That is the problem. They are furnished houses. Then we went to East Hampton when school let out to live in our own house.

Q. And are you engaged in any plans for building a new house of your own?

A. Yes. We as a matter of fact were in two weeks after the house burned. We realized that the best thing for us to do in terms of economics was to build on the same property; besides we liked the area very much. The neigh-
page 564] bors are our friends so we commissioned an architect to design a house for us. We have had some problems along the way, partly because we have had to revise our plans in terms of cost. We are now at the point where the house — where plans are about to be put out for contract.

Q. And is it going to be approximately the same type home as the one that burned?

A. No. It will be really quite different.

Q. Will it be larger, smaller?

A. It will be, it is a contemporary house in the best sense of the word. It will have certain facilities that the old house didn't have. Four bedrooms. It will be a much better house but in actual size it will be roughly the same.

Q. Now directing your attention, then, back to 1961 in October, when you came up to New Canaan, did Cameron come with you at that time to live?

A. Yes, he did.

Q. I see. And would you, if you would describe your routine with respect to your everyday work and in what way the child was put into school and so forth, from that period starting with October of 1961?

A. Well, we had to get settled in as a family. We moved into New Canaan without having had the experience of being a family unit and we had to concern ourselves with furnishing a house and beginning to function as a family,
page 565] and we did. We were a rather close-knit group. We like to do things together, so the things we began to do right out of hand were to organize our house and the ground, and so on. Cameron was a little young.

Edward Gorman

Q. How old was he?

A. He was four at that time, *to* young to go to school, but in the — Mrs. Gorman discussed the idea of going to school with the school authorities, with the school principal.

It was agreed that since there was no, or it was suggested since there was no other child in the house, it might be a good idea for him to start to school in that year. He was within three weeks of being within the legal limitations of it.

Q. What age would that be?

A. Well, he was five on December 10 and if he had been five after January first he would not have been *eliigible* to go, so approximately at the end of November he started in kindergarten in the South School in New Canaan.

Q. Now your daily work is where?

A. Well, I work in New York City and I am one of the commuters who live in New Canaan. I have to get up early and get *up* relatively a little late. This is the practice in that area.

Q. When you say relatively late, do you mean after six?

A. Yes.

page 566] *A. Yes.*

Q. How about weekends? Were you available at home mostly?

A. Yes, oh, yes. I would say that it was unusual if I were traveling, unusual if I had to work *weeends*. The joy of living in New Canaan, that is what people look forward to, weekends there.

Q. Now tell me, did you have occasion during this period to be with Cameron and engage in activities with the boy?

A. Yes. I would say many occasions. Actually Cameron and I enjoyed being together.

Q. Well, what kind of things did you do together? What were his interests?

A. Well, largely things around the house, as I am sure you can understand there were a great many things to be done together. I had a complete set of tools. I was building things. I was organized. We had a dozen or fifteen apple trees to be pruned, apples to be picked up off the ground and Cameron enjoyed doing those things with me. We enjoyed going down to the store together. We were together,

Edward Gorman

I would say a large percentage of the time that I was home.

Q. Were other children with you also, from the neighborhood?

A. Often there were children who would come over into our place and he would often visit with children
page 567] not too far away. This is country where we live. It isn't suburban communities where houses are side by side, so you have to arrange a little to come in contact with children; a lot of movement in that community is done by car, and —

Q. Now tell me this, Mr. Gorman:

Did Cameron raise any problems with you from the start there in 1961, I mean, what type of child was he?

A. Well, Cameron is a tense child. This tension which he feels manifests itself in problems.

He is hopping around a lot. His attention moves around. He is very bright, and he is very curious, and he is interested in a great many things.

He is sometimes determined to *dothings* his way.

Q. Did you have any great difficulty with him during that time in your relations with him?

A. During that time I would say — I wouldn't say we had any great difficulty, no, not during that time, any great difficulty.

Q. Now you of course had many occasions to observe Cameron with Mrs. Gorman; starting out at that age of five, can you tell us a little bit about that in the evening time, on the weekend, and so forth?

A. Well, unlike some of the other families in New Canaan that I know of and *weknow* many people there, we used to like to have dinner together rather than feed the
page 568] children together and put them in bed and one of the reasons for doing this was so we could be together, briefly at least, before it was time for Cameron to go to bed, so there were occasions when we were together as a family unit, I would think a little more often than some of the other families, in addition to the *weenends.*

I don't know how to characterize her behavior.

Q. Were there any serious problems that developed under these occasions during that first year?

A. Well, I wouldn't say serious problems. There were

constant problems of discipline, problems of control, problems that have to do with raising a child and organizing him, and teaching him, the difference between what is right and what is wrong, and how to live in a reasonable, orderly fashion.

Q. All right.

Now tell us about how Mrs. Gorman applied herself to these tasks that you have just mentioned.

A. Well, she is, I'd say she applied herself to the task diligently because I think we both recognized that we had a task.

This is, suddenly we are a new family and we recognize this and we recognized we had to do certain things that other families don't have to do in order to become a family and function as a family.

I would say she was very understanding of this situation. She is in my opinion a gentle person. She would try to get Cameron to do what she thought he should by page 569] persuasion more often than not, instead of by, let's say, direction.

Q. When she disciplined the child in your presence, could you describe the type of discipline she administered?

A. Well, what we both used to do, when it was necessary to actually take some kind of action, was to send him to his room.

He had his own, that was his own little world, and the feeling was that if he couldn't conduct himself *properlyin* the rest of the world, then he should retire to his own little niche until he felt capable of carrying on the way he should.

Incidentally, that is the same way we discipline our 25-month-old baby.

Q. When was your own child born?

A. *Whe* was born on September 30, two years ago, 1962.

Q. And her name is Annie?

A. Annie.

Q. Tell me, how did Cammy get along, — well, let's put it this *wayfirst,* his reaction about Annie, when she came in the world, and has his relationship with her developed since then?

A. Well, as I said before, Cameron is a very curious child with a great many interests and it has been our aim to expose

him to his many areas of interest as we could, anything which he seemed to respond to.

page 570] Well, so when Mrs. Gorman became pregnant with Anne, we attempted to involve Cameron in this as early as we *could*. It was something that was often discussed and looked forward to in our family with great expectation.

And Cameron was well prepared for Annie's arrival and I can recall very clearly the first day she came home from the hospital, his reaction.

Q. What was that reaction? Tell us, Mr. Gorman.

A. Well, he was, he couldn't wait to get to her. He actually gave her a bottle on that first day.

Q. You are talking about Annie, now?

A. Yes. And they have been very close.

Q. Does he play with Annie quite often?

A. Yes, very often. I think it is a very unusual relationship, brother-sister relationship. Very obviously they are very much involved with each other.

She speaks about him often. When we drove down yesterday she was talking about him.

Q. Now, as time went on into 1962, did there come to your attention any problems that Cameron might be having in school and when did — when were you first apprised of this situation of Cameron in school?

A. Well, the New Canaan School System is a parent-teacher conference arrangement.

Q. I see.

page 571] A. As a result of that we discovered rather early in his kindergarten year that he was not fitting in the group as well as some of the other children, but throughout the year he made steady improvement, so that by the time he finished his kindergarten, Mrs. Walsh was pleased with the way he was fitting into the group.

And so on.

Q. This would have been 1961 and '62?

A. This is right.

Q. And then '63?

A. And then at the beginning of his first-grade year when he came back from the summer vacation in Virginia, he

went right into the first grade and that was a rather violent month or two.

A great many traumatic experiences and scenes at the school that we were made aware of by the school.

Q. Did you go yourself to the school and discuss these matters with the authorities in 1963?

A. No, not in 1963. Mrs. Gorman did. I went to the PTA meeting but she was discussing these things with the teacher.

Q. Was there any improvement as '63 went on, his first year?

A. Yes, yes. There was this — well, I'd like to say '62 that was when he was in the first grade. I think

page 572] you mean '61 was his first grade year.

Q. Yes.

A. There was improvement, so by the time the year ended May, June, he was ready to go on to the second grade and when you contrast that with the way he started out, although he was hardly an ideal student in June, there was a sharp improvement.

Q. Now, of course you were aware of the visitation arrangements with Mr. Crounse?

A. Yes.

Q. And these began, of course, in 1961.

A. Right.

Q. Was it your duty or chore to see to it that Cameron was sent to Virginia and to his father and so forth? Is this a duty you undertook or Mrs. Gorman, or both of you?

A. More often than not, Mrs. Gorman would make the arrangement on the telephone and usually I would drive him to the airport and pick him up again. She was home with the baby, pregnant, and so that usually was my job. That is right.

Q. Now, do you remember of any, are you a member of any church, Mr. Gorman?

A. Yes, we are.

Q. What is *thatchurch?*

A. We belong to the Unitarian Church in Westport, right nearby.

page 573] Q. Did you yourself partake of any activity within that congregation?

A. Yes. I was, I taught Sunday School for a while. You

see, we were married in a Unitarian Church, in Manhattan, a very small ceremony, in which we all participated, by the way. That was part of the idea of trying to get going as a family. When I say we all participated, I mean Mrs. Gorman's parents *with their* and my mother and so was my brother and my sister, and so was Cameron and so it was something we all experienced together.

Right after that we moved. When I say right after that we in a matter of days we began gradually to go to the Unitarian Church in Westport.

Then as we began to feel that this was the place where we belonged, we became more active, and later I started teaching Sunday School to the 8th grade kids.

Q. Now what arrangements were made for Cameron with respect to church?

A. He was in the Sunday School classes there. He went too. For a while Mrs. Gorman was singing in the choir but then after the baby came along that became very difficult so quite often Cameron would go to Sunday School and I would go to my Sunday School class and when it was possible for all of us to go, we would. Our baby now goes to nursery school. She is old enough.

page 574] Q. Did he have any problems, to your knowledge, in Sunday School or at the church?

A. No, not that I know of.

Q. All right.

Now, directing your attention to 1963, I believe, and on into the early fall, September of that year, relative to Cameron's school, what, if anything, occurred and came to your knowledge?

A. Well, the pattern of 1962 asserted itself again right at the outset when Cameron came back from Virginia vacation and went into school again. There were the great discipline problems inside the school; pushing and shoving, fighting and so on.

And there were right then from the beginning frequent contacts with Mrs. Gorman and his teacher and I saw this teacher. I saw the other teacher too from *time* time, but I saw this teacher.

Q. This teacher. You mean *Mrs.* Faloney?

A. Yes.

Edward Gorman

Q. When did you go to see her?

A. I used to go to pick Cammy up if I was at home during the school day and occasionally I was, and I would do certain of my work there. I would try to pick him up and I would go into the classroom and see the kids and see what was going on and because I knew a lot of the chil-
page 575] dren in the class, I could talk to him and so I would have a chance to visit with her, so we were aware, very aware that he was having great problems. It was then, last fall *tha* we began to feel there was some kind of pattern in operation here. Our pediatrician, as a matter of fact, was the first person, as I recall, pointed this out to us, Dr. Miner.

Q. Did there come a time when you sought professional help and guidance?

A. Well, yes, various kinds. Miss Faloney, as I recall, suggested that the visitation arrangement which required Cammy to be in Virginia for the entire summer was contributing, was a contributing factor to this.

Dr. Miner made that quite clear to us and he suggested that we seek professional help of two kinds.

Q. Which was?

A. Well, he thought we should go to see a lawyer to see what could be done about changing this visitation pattern, and so at his suggestion, we contacted Cummings and Atwood in Stamford.

Q. When you say changing, I wish you would describe what you mean by that.

A. Well, changing months, shortening the visitation time in the summer, and reexamining the number of times Cameron was required to be away from his home, you see.

page 576] Q. During the school year?

A. During the school year; that is right. That is what changing means in this case.

Q. What other help did you seek out?

A. Well, Dr. Miner also suggested we see a child psychologist and he recommended Dr. Faith Ogdon, who lives in New Canaan, who was a pediatrician, and as far as we knew, as a matter of fact, come to think of it, before we saw Dr. Faith Ogdon, we tried to make contact with Yale

Edward Gorman

Child Guidance Clinic, which is an outstanding institution of that kind and I had a friend who is one of their better known alumni, who used some of his influence to get us *not* child guidance clinic, but he just couldn't, they were too busy; then finally found Dr. Ogdon and took Cameron there before we did this.

However, we had told ourselves that we were not going to be guided solely by what Dr. Ogdon might tell us, because our opinion is this is a rather delicate and serious step to enter into any kind of psychotherapy, psychiatric treatment — should that be her suggestion or recommendation, we had said to ourselves ahead of time we are going to have him examined by two or three people, which in fact we did; in fact we told Dr. Ogdon we were going to.

Q. Who were these other people?

A. Well, the other, there was a kind of team
page 577] psychologists, Dr. Pollin and Dr. Schiller, operated in Norwalk and we went there for a complete evaluation just as we had had from Dr. Ogdon and then from there we — incidentally it is difficult to get this work done because these people are very busy, so this extended over a period of perhaps two months.

Q. I see.

A. And so then we found Silver Hill Clinic, which is in New Canaan and availability of the schedule of the child expert there to examine Cameron and he also examined him. The results of their examination dovetailed. It was a clear — the evaluation was virtually the same and that was that he was having —

Mr. Howard: Your Honor, I haven't objected up to this point but I don't feel that they should be able to put in through this witness the opinions or evaluations of these five or six doctors that they went to.

Now we have no opportunity to examine those doctors and I think if they want the court in this deliberation to consider the opinions or those evaluations of those doctors we should have a right to examine them.

For that reason I object to the question.

Mr. Ferrari: I realize I of course, I couldn't have all of

these people down; the court has heard their names mentioned by other physicians.

page 578] My purpose is not to have Mr. Gorman comment about the rightness, wrongness or suitability of their opinions but what they had advised these people who had brought Cameron there. Of course I realize a certain amount of this is hearsay, because I don't have Dr. Schiller and I don't have Dr. Schultis from Silver Hill, but on that basis that is the purpose of that question, and we have had Dr. Ogdon and we will have Dr. Miner.

The Judge: The objection is sustained.

The witness may testify what he did as a result of examination but not what the examination was.

By Mr. Ferrari:

Q. What steps did you take, Mr. Gorman, as a result of these examinations?

A. Well, we were satisfied we knew what Cameron's problem was, so meanwhile, as I say, he had contacted Cummings and Lockwood in Stamford, and they had suggested that Mrs. Gorman write to —

Mr. Howard: Your Honor, I think that is going back the same way again. I think if he knows what was done, all right, but I object to it.

Mr. Ferrari: Confine your answer to what actions you took or the consequence of any steps you had taken concerning the matter.

Did there come a time when you notified Mr. page 579] Crounse concerning this and when was that?

A. Well, I have to say we did, because Mrs. Gorman did, she notified Mr. Crounse.

Q. Do you remember approximately when that was?

A. It was in the fall of 1963.

Q. Would it be before Cameron saw Dr. Ogdon or after?

A. It was before Cameron — no, no; it was after Cameron had seen Dr. Ogdon, after Cameron had seen Dr. Ogdon. As a matter of fact, we encouraged him to see Dr. Ogdon, and all the other people in New Canaan who might be able to talk to them about Cameron's problem. When I say "we"

Edward Gorman

I mean Mrs. Gorman — she actually made the telephone calls.

Q. Did you undertake any treatment for Cameron, professional treatment, and when, if you did?

A. Well, I don't remember exactly when it was, but he was put into treatment with Dr. Schultis at Silver Hill and —

Q. When was this started, approximately, Mr. Gorman?

A. It was, it was in 1964.

Q. The early part of?

A. Yes, of 1964. Once again, it is a problem of when you can be fitted into a schedule of this kind.

Q. And was Mr. Crounse advised of this?

A. Yes.

As far as I know, he was; that is my recollection.

Q. Now, did there come a time that you-all
page 580] went to East Hampton in 1964 as a family?

A. Yes. We went there.

Q. When was that?

A. It was June the 20th, 1964, or 21st. We had to be out of the house on that date.

Q. Did Cameron come with you?

A. Yes. Cameron came with us.

Q. And how long were you there?

A. Well, we were there until school started in September of 1964, when we had arranged for a house in New Canaan, the one that we are in right now, to occupy as of the time school started in New Canaan.

Q. And how long was Cameron there?

A. Cameron was there from the 20th, from the time we went out until I think the 30th of June.

Q. I see. Now can you tell us anything about how he acted and lived out there at East Hampton, if you know, if you were there and observed?

A. Oh, yes. I was there.

A. Well, the big interest in East Hampton is the outdoors and the beach, so he had an opportunity to be outside every day all day long *long* as much as we wanted to.

There were friends visiting with us from New Canaan who had children who he was able to play with.

Edward Gorman

Q. Were they Cameron's age?

page 581] A. Yes, or approximately, and other children in the neighborhood, and in my opinion he was better that week or so in those weeks and that week in East Hampton than I have ever seen him before; he was relaxed, he was happy; he was cooperative; he was anxious to *rack* the gravel in the driveway and clip around the trees, and all that sort of thing.

Q. Now, did—

A. We all had bikes out there and we would go bike riding together and things like that.

Q. He had had a bike prior to the fire, did he?

A. Yes.

Q. And it was lost?

A. Yes. I bought another.

Q. Did there come a time in 1964 that you came to speak with any professional people here in Virginia concerning Cameron?

A. Yes; around Easter, approximately.

Q. Would you describe under what circumstances this occurred?

A. Throughout the year, from last fall, Mrs. Gorman had been making repeated efforts with Donald Crounse to try to revise the visitation agreement in the hope that this might help Cammy's problems.

Over and over again there was brought up on the telephone this matter finally, and I recall that he had said on

page 582] two or three occasions to her, as I heard her talking to him on the telephone—

Mr. Howard: Just a minute. Did you hear what Mr. Crounse said?

The Witness: No.

Mr Howard: Your Honor, I object to him trying to interpret what he said because from what his wife said—

The Judge: Objection sustained.

By Mr. Ferrari:

Q. Did you yourself have ever any conversation with Mr. Crounse concerning the matter at that time?

A. Not concerning that matter, no. At any rate, we came down to Virginia to visit with a Dr. Riesenman.

Q. Under what circumstances?

A. Mr. Crounse had taken Cameron to, for examination, evaluation, to see if it checked with the evaluation that we

Edward Gorman

had in New Canaan.

Q. When was this, Eastertime?

A. Yes. Roughly; I don't recall the exact date when we were looking forward to this visit with great interest.

Q. For what purpose were you looking forward?

A. Well, we had hoped, as a result of that conference with this *cotor* and we had hoped that *e* would have a chance to talk to Mr. Crounse afterwards and that we would

page 583] come to some kind of understanding about Cameron's summer visitations that would be better, that would be better for, that we came down with those expectations.

Q. And you did in fact speak with Dr. Riesenman?

A. We did in fact speak with Dr. Riesenman.

Q. You discussed this particular point?

A. Well, it was, it was one of the more frustrating experiences that I have had.

We found Dr. Riesenman reasonably pleasant but I found it virtually impossible to get him to discuss the problem that we had come down there to discuss.

He simply told us that we should not be worried about Cameron. He would see him two or three times during the summer and everybody would be all right.

I asked him if he had examined Cameron and he didn't answer my question until I repeated it a number of times, and he finally said yes, he had, and I asked him how many times he had examined him — talked to him and he said he had talked to him once. He didn't tell me for how long he had talked to him.

Q. Yes; go ahead.

A. We kept trying to discuss Cameron's problems and we kept trying to get his opinion as to what was best under the circumstances, for Cameron, and we were making almost no headway.

page 584] Dr. Riesenman was concerned largely with talking about his own activities, which had nothing to do with this problem at all—card tricks—and ESP and the frustration built up in Mrs. Gorman and to the point where she asked him if he would talk about Cameron.

Mr. Howard: Do I understand you were present, Mr. Gorman; you were there when Dr. Riesenman talked to Mrs. Gorman?

The Witness: That is right.

Edward Gorman

By Mr. Ferrari:

Q. Can you describe for us, Mrs. Gorman under these circumsrances, what she did, how she acted?

A. She asked—I recall rather clearly that she said "Dr. Riesenman, please can we talk about Cameron?"

Q. Did she become hysterical?

A. Hardly; no; hardly, although—no.

Dr. Riesenman then leaned across the table at that point and pointed his finger and explained to her that he was able to tell that she was emotionally unstable, because of his intuitions and insights and, incidentally, he had told us that that was how he examined Cameron, through intuition and insight. It wasn't necessary to go through a week of evaluation because psychiatrists, because he had a better method and that method permitted him to pass a judgment on Mrs. Gorman and also on me.

page 585] Q. How long did Mrs. Gorman cry? How long did this occurrence take with respect to Mrs. Gorman?

A. I would say several minutes and, honestly, I tried to get the thing back on the track and see if I could stop him from making this offhand analysis of her and looking into her background and stated he knew there had been some bad experience in her life before the age, I mean he intuitively knew this and we finally got her back and he then went into his card tricks for, I would say nearly a half hour.

Q. Well, had any conclusions finally been reached concerning Cameron and the visitations?

A. Well, now. By that time we felt that we had failed in our mission and we attempted to, I guess I was carrying the ball, see if we couldn't arrive at some kind after a definitive conclusion of this meeting and in the end, Dr. Riesenman agreed it was in Cameron's best interest to shorten the visitation rights in the summer and so I think you have to understand or I would like the court to understand it was difficult to get him to state his conclusion but he finally did, and he thought that ten days in New Canaan before he went down there and ten days in New Canaan before school started would be a good way to approach it and I asked him then, I said, "Dr. Riesenman," I said, "you agree with our point of view in this matter and the difference is simply one of degree; is that right," and he *sayd* that was right.

page 586] Q. Did there come any other time that you had contact with any psychologist or psychiatrist here in Virginia during 1963? Or '64? I am sorry; strike that '64.

Edward Gorman

A. Well, at East Hampton in the summer of 1964, after Donald Crounse had taken Cameron away and brought him down here we made contact with him again, or Mrs. Gorman made contact with him, and again he was to have Cameron evaluated by someone here.

Q. And who was that?

A. And that well, we ultimately discovered it was Dr. Morgan. And on a Sunday afternoon, as I recall, when Mrs. Gorman was talking to Donald Crounse, he told her—

Mr. Howard: Well, just a minute—

Mr. Ferrari: If you ever heard—

Mr. Howard: You had an extension telephone?

The Witness: Not in that house.

Mr. Howard: Well, this conversation that passed between your wife and Mr. Crounse—

The Witness: I heard her behind of the—

Mr. Howard: You heard her behind—

The Witness: No.

Mr. Ferrari: Confine yourself, Mr. Gorman, just to what you heard from Mrs. Gorman, but did there come a time that Dr. Morgan was, you found that Dr. Morgan was to evaluate Cameron?

page 587] The Witness: This conversation was about the fact that Dr. Morgan had evaluated Cameron.

By Mr. Ferrari:

Q. I see.

A. So when Mrs. Gorman hung up—

Mr. Howard: Your Honor, I object to anything she told him at that point; what they did as a result I don't object to.

Mr. Ferrari: What in fact did you do, after Dr. Morgan, having already examined Cameron—

The Witness: I telephoned Dr. Morgan that afternoon to see if we could make an appointment to see him in regard to his evaluation of Cameron.

By Mr. Ferrari:

Q. Tell me when that was in point of time.

A. This *wa* probably the latter part of July.

Q. I see.

And were you successful in contacting Dr. Morgan?

A. No. I was not successful in contacting Dr. Morgan. I got somebody on the telephone who I think was his son, whose name may or may not be Ralph, who said Dr. Morgan was not avail-

able at that moment. I tried two or three times that day because I understood from whoever answered the phone *hw* was there but just not available at the moment.

page 588] I tried Monday, Tuesday and Wednesday. My secretary put in most of the calls during that period. Sometimes I suppose the receptionist would answer, at other times it would be his son.

Mr. Howard: No, your Honor. He is saying now he had his secretary call. Well, how can he possibly say what passed between his secretary and the person who answered the telephone on the other end? I don't think it is proper testimony and I object to it.

Mr. Ferrari: You made how many attempts?

The Witness: I think I said she made some of the calls and I made quite a few myself.

By Mr. Ferrari:

Q. Did there come a time that you were finally able to talk to Dr. Morgan?

A. No, but there did come a time when I told *whoeever* there was on the other end of the *lime* I thought that Dr. Morgan should give me some answers to which I or Mrs. Gorman could see him. I explained that I felt I was being intentionally put off and I was deserving of an opportunity to make an appointment with him and I would like some answer from Dr. Morgan to that effect, whereupon this person went away from the telephone and came back and said that Dr. Morgan would not speak to me but that I should contact a Mr. Howard and that was the first time I had heard his name.

The Judge: The Court is going to recess at this until one-thirty.

page 589] (Whereupon, the hearing recessed, to resume at 1:30 p.m. of the same day.)

page 590] AFTERNOON SESSION

Thereupon

EDWARD GORMAN,

resumed the stand, and having been previously duly sworn, was examined, and testified further as follows:

By Mr. Ferrari:

Q. Mr. Gorman, will you tell us, if you can, what, if any

special interest that you observed Cameron to have that you yourself may have been able to participate in with him?

A. Well, Cameron has an, I think an inherent interest in nature. It is one of the subjects he likes to talk about and likes to do things about and I like that, too, and we live in an area where we can do something about it. Used to spend a lot of time along the stream out near our house and the area behind the house we used to make moss gardens to people, that we gave to people as presents.

We had a great big one of our own that we kept; used to collect rocks and leaves and at East Hampton he was very big on things we could find on the beach. He was learning to play baseball, which I like, with the three of us. His mother was involved in that, and with the other kids, football.

We used to make kites together. He used to like that very much. He had a big interest in books and I would bring him books sometimes that had to do with things that

page 591] came across my desk that had pictures in them, that had pictures in them.

Q. Nature book?

A. I used to get nature books. I remember one book, Child's Bible, which he used to like. He used to read at night time before he went to bed.

Q. Was this usually every night?

A. I would say more often than not. I wasn't there every night, but at the time our practice was he would take his *bat* and his mother would say good night to him, and then I would usually talk to him a while because he wanted to do that.

Sometimes he would want me to tell him stories about the war or so on, or usually we would just review his day. I used to like to ask him what he did, what he saw that was exciting; what was new. He likes to talk about his experiences.

Q. What did he call you? How did he address you when he was with you?

A. He calls me Ed.

Q. Now with respect to your home, and homes you have lived in, can you tell us something about Mrs. Gorman as a housekeeper?

A. Well, we have had a real—we have lived—our house in old Rockland.

Q. Is this the one that burned down?

page 592] A. That is right. The one that burned, furnished in a way that we liked. It wasn't a lot of furniture *inhere*. The house was one that was easy to keep neat and straight and that was the way—it almost was, whether there

were people coming or not—we used to like to entertain in a quiet way. That is one of the reasons we live in New Canaan.

As a matter of fact, it is such that people just like to get together, interesting people who live there. We used to have little dinner parties from time to time, very relaxed and informal, and usually some special interests around which the meal was built.

Q. Did she do the cooking?

A. Yes, and she—well, as a matter of fact, she—I don't think gourmet cooking is the word, but we used to like to do special things she would enjoy. I think this is something of a reputation among her friends for doing that.

Q. Did Cameron have difficulty eating? Was he a normal boy with respect to eating?

A. No. I wouldn't call him normal.

Q. What problems did he have in this sphere?

A. Sometimes he would eat, you know, with no problem at all, and other times he would have difficulty eating. It seemed to me to relate to his mood, his feelings of the moment.

Q. How did his mother handle these situations page 593] when they occurred?

A. Well, these weren't violent situations. It would be just, there would just be a resistance and her method, my method was to let him not eat it if he didn't want to. We feel rather strongly that you don't force this kind of thing on the child. As a matter of fact, we had been advised by some doctor—I can't remember who, that he had never heard of a child who starved himself to death and the child would get enough to eat, and you could create problems by pushing food on the child; in fact, make a child grow up so he didn't like a great many things.

Incidentally, we were always experimenting with eating new things and Cammy always liked eating things he had never before. This was one of the little family-type pleasures we used to enjoy.

Q. How about functions? Did you have opportunity to take Cammy to different things?

A. Well, yes. We both did. In New Canaan, there are a great many things going on for children. I think the reason most people like us live there, it is a great place for children to grow up. There is a great deal of freedom. There is such a thing as the Children's Theater.

The YMCA had a morning program in woodworking and nature studies there and that was one of his favorite activities,

to go to the Nature Center, because he loved that,
page 594] and took swimming lessons at the YMCA.

We belong to a club which emphasizes tennis. In the winter it is skating and swimming, and we were all in-involved in that.

Q. Children?

A. Oh, yes. It is a children-oriented club. There is no clubhouse. It is not a country club atmosphere; it is a family get-together type atmosphere.

We went to the city a lot. I used to take Cameron into New York a lot to various places, the Museum of Natural History, or took him to a horse show with a whole bunch of boys, took him to television shows for children; took him to the Metropolitan Museum. Came in last Christmas to see it. Came in there by himself on the train. Things like that.

Took him in to see the Christmas tree in the Center.

Mr. Ferrari: All right. Thank you, Mr. Gorman. I have no other questions at this time.

CROSS EXAMINATION

By Mr. Howard:

Q. Mr. Gorman, you don't feel that these activities you have just outlined were in any sense of the word responsible for Cameron being slow in school?

A. No, I don't.

Q. Those activities didn't interfere in that scholastic program?

page 595] A. No, hardly.

Q. What help did you give him when you learned he was having difficulty in school?

A. Well, you may recall I just said we read together in the evening. In Cameron's school they collect their papers of many kinds during the week, and once a week those papers are brought home and they were never thrown out until we both, Mrs. Gorman and I, had gone over them thoroughly. As a matter of fact, it was something Cameron looked forward to. He asked to have his papers looked at. He enjoyed going over them a great deal. Also his paintings and art work. He enjoyed putting them up on the bulletin board in his room.

Q. Were you conscious from the work he brought home he was not doing the work he was capable of?

A. Yes.

Edward Gorman

Q. What specifically did you do to try to alleviate that condition?

A. Aside from the things I have already told you?

Q. All you told me about was reading books with him.

A. No, I didn't. I told you I went over papers with him.

Q. These are papers he brought home?

A. That is right. He didn't have homework to do, if that is what you are saying.

Q. In what ways did you discuss these papers he

page 596] brought

A. These are papers he brought home during the course of the school day.

Q. What papers were they, to just give some idea?

A. They were papers that had to do with arithmetic, papers that had to do with thinking problems, reasoning problems, color blocks, red colors, blue, something that had to do with teaching him colors, as well as numerals, a lot of the thinking, to remember these a lot of emphasis on thinking and reasoning.

Q. In other words, you didn't contact the teacher to determine what his problem was?

A. Oh, yes. I was in the school, sat there in the classroom and for an afternoon watched him at work, and I talked to his teacher.

Q. How many times did you visit the school?

A. Oh, I guess I must have talked to his teacher in the course of the last year a half a dozen times, in addition to spending some time in the classroom half the day in the classroom.

Q. Would that teacher be Miss Faloney, who testified here this morning?

A. Yes.

Q. You talked to her approximately six times between September of 1963 and June of 1964?

A. Yes. I would say perhaps more.

page 597] Q. I see.

You see, I used to pick Cameron up at school whenever I could, and sometimes I would take him to school. As a matter of fact, these were informal conferences in the door of the classroom—we were in the hall as well as—when I say we were in the classroom—

Q. You would go in the building to pick him up?

A. Yes.

Q. If you happened to see the teacher, you would just have some conversation with her?

A. Yes.

Q. Now, you say you would definitely discuss with her his

behavior in school and his studies?

A. Usually; that is what we usually discussed, since that was our mutual interest.

Q. Did that continue on up through 1964?

A. Yes.

Q. You don't recall the last time you talked to her about this, do you?

A. No.

Q. Now in your position how much of your time do you spend on the road?

A. Not nearly as much as I used to.

Q. Well, in the year 1963, what part of the time did you spend on the road?

page 598] A. Well, according to my income tax statement, I think I spent about 40 working days on the road.

Q. 1963 you were not on the road for more than 40 working days; is that correct?

A. That is correct.

Q. Would this be a day at a time; sometimes a week at a time, or how would that run?

A. Sometimes a day at a time; sometimes as much as a week at a time.

Q. And how many days would you say you have been on the road in 1964?

A. Much less, much less.

Q. Half that amount would you say?

A. Yes.

Q. Now, how long have you known your present wife?

A. Four years.

Q. That means you met her in October of 1960?

A. No.

Q. This is '64.

A. Yes, it is.

Q. If you had known her four years—

A. Would you like me to tell you when I met her? I met her in January of 1960.

Q. You met her in January of 1960?

A. Yes.

page 599] Q. How long have you known Cameron?

A. Well, I saw him once in January or February of 1960.

Q. In other words, you knew your wife approximately a year and a half before you-all were married?

A. That is right.

Q. In March 1961, can you tell me where you were living?

Edward Gorman

A. In Manhattan.
Q. Would that mean in New York City?
A. Yes.
Q. Do you remember the address?
A. 225 East 46th Street.
Q. Where were you living in October of 1961?
A. Same address.
Q. Same address. In other words, you lived there from March '61 up through October of '61?
A. And some years before that.
Q. Where was Mrs. Gorman living in March 1961?
A. As I recall, she was living in Cazenovia, New York.
Q. Do you know where she was living in October 1961?
A. Same place.
Q. In other words, she was living in Cazenovia, New York when you married her?
A. Yes, she was in Cazenovia, New York during
page 600] that period; that is right. With her parents.
Q. Beg your pardon?
A. With her parents.
Q. To your knowledge, she lived there from March 1961 through October 1961?
A. No; there was a time when she lived in Virginia during that time.
Q. To your knowledge, did she ever live in New York City during that period?
A. Well, from May.
Q. From March 1961 through October 1961?
A. Not to my knowledge.
Q. Now did you see Cameron during that period from March 1961 through October 1961?
A. Yes.
Q. How frequently did you see him during that period of time?
A. Infrequently. I would see him, when he was in Cazenovia, when I would fly up there for weekends or drive up for a weekend visit. I saw him at East Hampton, once, when I visited with some friends.
Q. Now he was with your wife from October of 1960 up through the summer of 1961; isn't that correct?
A. Not, no—he was with her most of the time, but not all of the time.
page 601] Q. How much of his time between October 1960 and the summer of 1961 was he away from her?
A. Well, you are asking me something about something I

don't have any firsthand knowledge of but I do know in January 1960, his father took him to Virginia, and it was some three months of legal wrangling before she was able to get him back and go back up to Cazenovia with her, and then again there were other times when he visited with his father from time to time, including a time when he came down for a birthday visit and was not returned.

Q. What would you say was the *longestperiod* of time he was away from Mrs. Gorman from the period 1960 on through June of 1961?

A. To my knowledge, about 3 months or so.

Q. Couldn't you use a period of time?

A. That was the time Donald Crounse took him from the apartment in Brooklyn Heights and went off to Virginia, and it took that long before Mrs. Gorman could get him returned; to my knowledge, that was the longest period of time.

Q. That was when they separated and Donald Crounse came to—

A. That is when they weren't living together. I was visiting her in that apartment.

Q. You mean to say you didn't ever, never did visit—

A. I didn't say that. I said I met Cameron in page 602] that apartment, if you recall.

Q. Are you now saying under oath that when Mrs. Gorman was Mrs. Crounse and she was living with Donald Crounse in New York City and you did not go to that apartment and took her out on dates?

A. I think I already said I done that.

Q. You are now saying you did that?

A. That is right.

Q. There is no question about that?

A. No question.

Q. And it is shortly after you started those visits there that Donald Crounse left with his child and came to Virginia?

A. No question about that.

Q. All right.

Now then, you say after some legal wrangling, Mrs. Gorman got the child back. I wish you would tell the Court what that legal wrangling was.

A. Well, at the time that I first —

Q. Of your own knowledge now. What you know.

A. You are right. You understand I don't have first-hand knowledge.

Q. Well, if you don't have first-hand knowledge, how are you going to testify to it?

Edward Gorman

A. Do you want me to answer it?

page 603] Q. If you of your own knowledge know of any legal wrangling that resulted in the child's going back to your now wife.

A. At the time I met Mrs. Gorman, there was a separation agreement that Donald Crounse was working on, so that they could stop living together, you see.

Q. At the time you first met her?

A. At the time, at the time I first met her, there was a separation agreement that was in the works for some, I don't know how long a period of time, but weeks, worked on, drawn up, as I understand it, by him, with the help of the man he was working for in a law firm.

Q. This would have been in the month of October 1960; is that correct?

A. Probably, yes.

Q. That is when you say you met her?

A. No, I didn't.

Q. This would have been in January of 1960?

A. This agreement had already been in the works for some weeks prior to my meeting her in the latter part of January 1960.

Q. You said you met her in January of 1960.

A. That is right.

Q. Are you now saying that this agreement you are talking about was in the works prior to 1960?

page 604] A. That is what I said.

Q. Did you ever see that *agrement*?

A. No, I didn't see that agreement.

Q. Is this the legal wrangling you are talking about?

A. No, it is not.

Q. All right. Well, tell us about the legal wrangling.

A. The—when we went off with Cameron, Mrs. Gorman was then Mrs. Crounse, was, I am sure you can understand, very upset and didn't know what to do.

Q. You mean I can understand she was upset?

A. Yes.

Q. How can I understand that?

A. Because if someone takes your child and removes him without your knowledge, there, this is upsetting, an upsetting experience.

Q. Would that be true if my wife had a man visiting—

A. If there was a cause and effect relation, she had nothing to do with each other, these two things.

Q. This is your opinion?

Edward Gorman

A. Exactly.
Q. You didn't sleep there with them, did you?
A. No.
Q. You—
A. I know what Mrs. Gorman—
Q. You didn't care about the conditions under
page 605] which they were living at that time?

Mr. Ferrari: Your Honor, I would like to object to this.
The Judge: Objection sustained.

By Mr. Howard:
Q. Did you have the interest of Cameron at heart at that time?
A. I didn't know Cameron at that time.
Q. You did not know Cameron?
A. I met him.
Q. You met him in the apartment?
Did you know he was living in the apartment with his mother and father?
A. Of course.
Q. Did you at that time have his interests and welfare at heart?
A. I had his interests and welfare at heart in the same way I had the interest and welfare of any child. That is all I know about him. He was just another little boy. I had no knowledge of him.
Q. You have described certain symptoms that were manifested in this child. When did you first observe those?
A. When we were married.
Q. You talked about, if I am wrong, correct me—tension in the child; moves around right much; determined
page 606] to do things himself; constant problems of discipline. You are saying you did not observe these symptoms prior to October of 1961?
A. Well, I didn't have the sustained opportunity to do this, you see. Things of this kind manifests part of a pattern. I can see a child—I have had contact with a great many children, and I think I know what, how they act and react, as a rule, but when I would see him this infrequently, a day or so at a time, I wasn't able to pin down any unusual activity on his part of the nature you just described.
Q. But immediately, as of the time you married your wife was in October 1961, these symptoms were very evident to you?
A. I didn't say they were very evident to me. I don't think I

said that. I think I said I began to become aware of them.

Q. Of course, there was no visitation involved with Donald Crounse.

A. There was a visitation agreement, of course.

Q. But it never had gone into effect.

A The first visitation with Donald Crounse went into effect within a month after we were married, you see.

Q. November?

A. That is right.

page 607] Q. As of that time, when you observed these symptoms, did you then and there have the feeling that any visitations with the father was a contributing factor to that condition.

A. No.

Q. You knew it was not, didn't you?

A. I didn't know. I didn't know what it was. I thought it was because he had come from a disturbed background

Q. By that you mean trouble in the home?

A. He had been the product of a bad marriage.

Q. Exactly so.

You then and there concluded that the tension in that child —the moving around so much, the determination to do things for himself and the problem with his discipline was a result of the conditions under which his mother and father lived while they were together; that is, sir, your definite opinion at that time; isn't that true?

A. That is partially true.

Q. What do you mean it is partially true? Didn't you just say it?

A. No, I didn't.

Q. What else did you think caused that condition you have just described?

A. I said he was a product of a bad marriage and during that time he was reacting to the tensions of the marriage; when they were together, he reacted obviously, in my opinion, as any

page 608] child would who was taken away from his mother for several months at a time and who was withheld from his mother. It wasn't simply during the time they were together, and the other things that happened during this period of his life.

Q. He had not been withheld from his mother; his mother had had him practically a year when you married her?

A. No.

It isn't true.

Q. Don't you know she had this child in October 1960 and

she continued to keep the child?

A. Yes, she had the child in 1960, I think you mean.

Q. No. I don't. October 1960. I mean a year before she married you, is exactly what I mean.

A. Yes; that is right. Well, I don't understand what you are asking me

Q. I am asking you, don't you know that she had the child for approximately 2 months before you married her?

A. She had the child for approximately two months before we were married, yes.

He was not with her a hundred per cent of the time during that time.

Q. What percentage would you say he was with her?

A. Most of the time, but I might point out, if I may explain, that during that time he came down to Virginia for a visit with his father for his birthday, his father's birthday, and despite the complete assurance that he would be

page 609] returned and on the advice of the lawyer that Mrs. Gorman had at this time.

Q. Is this what you know of your own knowledge?

A. This is what I know of my own knowledge as someone I know and I have been in contact with.

Q. Were you present when the lawyer consulted with your wife?

A. No.

Q. And you know is what the lawyer said he told her. You didn't actually hear him.

A. Right.

Q. When was that?

A. That was sometime; as I recall, I think it was in the two month period you refer to, before we were married.

Q. That you directed her to this lawyer?

A. If I may go back to a question which you asked me which I haven't answered, about this legal hassling—

Q. Yes.

A. —that took two months. At that time, Mrs. Gorman's only lawyer had been her husband.

Q. Her only lawyer had been her husband?

A. Yes. There were a number of occasions, you see, when she felt—*again* I am repeating what she told me—there were a number of occasions when she felt she had needed legal counsel and he had offered to be legal counsel for both himself and her; at this time when he went off with Cameron,

page 610] things were in a situation where she needed one, so I put her in touch with William Renner.

Edward Gorman

Q. Don't you know why he went off with Cameron at that time?

A. Yes, I do.

Q. Why?

A. Because he wanted to take Cameron away from his mother.

Q. Because he objected to you going with Cameron's mother while he was married to her.

A. That is untrue.

Q. That is untrue?

A. That's untrue.

Q. As a matter of fact, the real breaking point came when she insisted she be permitted to take Cameron with her when she was out on dates with you?

A. That is a completely untrue statement. I don't think anyone's ever made that statement. It is the first time I have ever heard it.

Q. You don't know that Mr. Crounse objected to your going out with his wife?

A. I do not know that.

Q. You do not know that his wife and himself had a discussion about the two of you taking his child while he was living with his wife?

A. I know of no such discussion.

page 611] Q. Let me ask—

A. May I explain?

Q. Yes.

A. This period that you are talking about when I was, as you said, dating Mrs. Gorman—

Q. Yes?

A. When she was living in Brooklyn Heights with Mr. Crounse was a matter of a week or two, you see; this was a week or two.

Q. It was a matter of a week or two you came to the house to get her?

A. The second time I ever saw her was when I came to the house to get her. It was, there was no meetings on the sly, if that is what you are suggesting.

Q. Didn't she contact you about getting in contact with your brother and as a result of the conversation you had on the telephone you started seeing her?

A. She contacted me about contacting my brother, and that is how I met her.

Q. Are you saying you were never out with her prior to any time you picked her up?

Edward Gorman

A. I just said to you the second time I was ever out with her I went to the apartment to pick her up. The first time I ever saw her I was in Manhattan.

Q. Was Mr. Crounse there when you to the home to meet her?

page 612] A. The second time that I saw her I think he was at the home when I went there to get her.

Q. Did you meet him?

A. Yes.

Q. Did you explain why you were there?

A. He knew why I was there.

Q. To take his wife out on a date?

A. That is right. They were in the process of separating. There was an agreement drawn up weeks ago so he could get out and be separated and—

Q. Why wasn't that agreement ever signed?

A. Because he wouldn't sign it. He wouldn't get out of the apartment.

Q. He got out, didn't he?

A. He got out and took his son with him.

Q. You didn't think it was right?

A. I don't think it is right to take a child away from its mother.

Q. You say she had never consulted other counsel. Don't you know she consulted a lawyer in Charlottesville?

A. No.

Q. Did you know she was consulting a lawyer in Syracuse?

A. I have been told by her that she and Donald Crounse together went up to see a lawyer in Syracuse.

Q. Yes?

page 613] A. I know they went up together to see that lawyer, who advised them, and again I am repeating what I have been told, that they should go back and try —

Q. You have made a great deal over the fact that Dr. Morgan didn't show you the courtesy you thought he should.

A. Right.

Q. Prior to the time Mr. Ferrari came into this case, Mrs. Gorman and yourself were represented by Mr. Sattler?

A. That is right.

Q. You were down *her* one time in August in connection with that case, and you saw me at that time?

A. Yes.

Q. Don't you now as a matter of fact request Mr. Crounse

through me to permit you-all to have the child tested and examined in some psychological clinic in Arlington?

A. Are you asking me about Dr. Morgan?

Q. No, no. I am asking you about Mr. Sattler when Mr. Sattler was representing your wife and yourself? Don't that you and Mr. Sattler entered into an arrangement by which you-all could have your child tested or Mrs. Gorman could have the child tested in a clinic down here in Arlington?

A. Yes.

Q. You never took advantage of that?

A. We decided not to do it, on the advice of our counsel.

Q. What is that?

page 614] A. We meanwhile retained Mr. Farrari.

Q. Don't you know that Mrs. Gorman talked with Dr. Morgan on the telephone? Do you know that?

A. Yes, I know that.

Q. Were you there on the occasion she talked with him by telephone?

A. Yes. I testified to that this morning.

Q. Were you by any chance on the extension telephone?

A. No.

Q. So you don't know what Dr. Morgan said to her except what she told you?

A. That is true.

Q. Mrs. Gorman made no effort to come down here and see Dr. Morgan after that telephone conversation, did she?

A. She did not come down here and see Dr. Morgan after that telephone conversation because Dr. Morgan would not see Mrs. Gorman.

Q. That is what she told you?

A. That is what she told me.

Q. She did not tell you that Dr. Morgan told her he would be glad to talk to her provided she would tell him something about herself so he could make a proper evaluation? Did she tell you that?

A. She told me that Dr. Morgan said to her that in the best interest of his client, and I heard her say who

page 615] is your client, and she reported to me that he said Cameron Crounse was his client; in the best interest of his client she should not see Cameron Crounse and that she, Mrs. Gorman had her advisers and she should consult with them.

Edward Gorman

Q. In other words —

A. That was Mrs. Gorman's explanation to me of that aspect of that conversation.

Q. At no time did Mrs. Gorman tell you that Dr. Morgan would be glad to see her if she would tell him something about herself in conjunction with the examination?

A. That is the first I have heard of any such thing.

Q. First you heard that. As I understand it, you had a very frustrating experience with Dr *Fiesenman*?

A. Right.

Q. Because you wanted to pinpoint and get him to say exactly what was the reason for this boy's condition?

A. No; that is not what I said. It was a frustrating experience because I didn't get him to talk about the reason we had come here to talk to him.

Q. He didn't have any reason why you had come down here to see him?

A. Of course he did.

Q. You couldn't get him to discuss that?

A. Ultimately we did, but it wasn't easy.

Q. And then do I understand it was because he
page 616] couldn't get to the point that you thought he should that your wife got upset?

A. No. I didn't say that. It was because he wouldn't get to the point.

Q. That is what I say.

A. No. You said couldn't because he wouldn't get to the point that we came down there to talk about. She asked him in a burst of tears if he would please talk about Cameron.

Q. And this is when he told her he considered her to be an emotionally disturbed person?

A. That is right, or something like that.

Q. Now was she loud at all at that time? Did she say anything to Dr. Riesenman?

A. I didn't understand you.

Q. Did she say anything to Dr. Riesenman at that *tme*?

A. She was crying.

Q. Was she talking? Well, if you don't —

A. She was asking him to talk about the situation; that was the nature of her reaction.

Q. When she was crying was she attempting to talk to

him at the same time?

A. Yes. She was crying and saying, please, can't you talk about Cameron.

Q. Loud voice?

A. Hardly.

page 617] Q. She was disturbed?

A. It was hardly a — ,

Q. She was hysterical?

A. She was crying. She had her head down. She had her —

Q. Have you ever seen her in that condition before?

A. Yes.

Q. How many different times?

A. I don't know how many.

Q. It was unique, unusual?

A. I would say that; unusual condition.

Q. Didn't you get through in that?

A. I am not interested.

Q. I am not —

A. Yes. I have seen her in that condition before.

Q. When prior to that particular occasion had you seen her in that condition?

A. I don't remember.

Q. You don't remember how many times you have seen her in that condition?

A. No.

Q. Do you remember any of the circumstances that precipitated these occasions?

A. I don't know how many times I have seen her laughing and happy or what precipitated those emotional reactions or these *these* are commonplace experiences in

page 618] the course of one's life.

Q. This was true in your home?

A. That was true in my home.

Q. Was this before you married her or after you married?

A. We are talking about in my home. This was after we were married.

Q. Without regard to your home, before you married her, did you ever see her in any such episodes?

A. Yes. I have seen her upset before; yes, indeed.

Q. Let me ask you this: There has been testimony in this case and I would like your comments on it.

Edward Gorman

Did I understand you to say that Cameron called you "Ed?"

A. Right.

Q. He has never called you father?

A. He has never called me father.

Q. Never has he used that term?

A. He has never called me father. He has referred to me that way.

Q. Under what circumstances?

A. I overheard him when playing with other children outside on more than one occasion talking, "My father did this" or "My father did that," or "My father is going to take us up to the park," or something like that, because he needed to refer to me somehow, and it was awkward for the child to have to refer to me as "Ed."

page 619] Q. I believe in answer to one of Mr. Ferrari's questions, you referred to yourself as being a do-it-yourself person; did a lot of things around the house; had tools around the house.

A. That is right.

Q. Did I understand you to say he participated in that program?

A. Yes. He liked to, he had his own tools.

Q. Let me ask you this:

There has been testimony in this case and there has been comment on it that Cameron in talking to Dr. Morgan spoke of his mother as having temper tantrums.

Would these outbursts you say you have witnessed, would classify them as temper tantrums?

A. No.

Q. Have you ever seen her in a condition when you thought of it as being a temper tantrum?

A. I have seen small children have temper tantrums.

Q. I am speaking about Mrs. Gorman. I am not —

A. I was trying to tell you what I think a temper tantrum is; as I understand it, I would say no, I have not seen her have a temper tantrum.

Q. Do you rermember — I believe on your anniversary night in October '63 or *whatevertime* in October it was —

do you recall whether or not you were home that night?

page 620] A. I don't recall. I would think I might have been.

Q. Do you by any chance know whether your wife and yourself had any plans *toparticular* plans to celebrate that anniversary?

A. I don't recall any particular plans.

Q. Do you remember a telephone call your wife might have made to her former husband that night about Cameron?

A. Well, there were many telephone calls. There could very well have been one that night.

Q. Did you ever overhear your wife on the telephone when you had reason to believe she was talking to her former husband?

A. Many times.

Q. Did you ever hear *hear* say anything to him about she could not control Cameron, she didn't know what she was going to do?

A. I have not heard her say that.

Q. Have you ever heard her say anything over the telephone when you had reason to believe her ex-husband was speaking to her, saying anything about Cameron's behavior?

A. Yes, indeed.

Q. What would she say?

A. I have heard reports on his activity in the school as she was getting the information from the school, plus her own observation of Cameron in the house. He

page 621] was difficult to control, that he was confused and he was disturbed, and I have heard him talk about the confusion that was in his mind when he would return from Virginia and finally after some days we would discover that he was upset because he had been told such things, and I have heard Cameron say this myself, that Annie, his sister, was not really his sister, and things of that kind, which he's returned with, that disturbed him.

I heard Mrs. Gorman talk to Donald Crounse about that specific subject.

Q. As I understand it, you have heard Mrs. Gorman talk to him over the telephone this year about the behavior problem of Cameron in the home; is that correct?

Edward Gorman

A. Less this year than last year but in the early part of this year, yes.

Q. This of course goes back to October 1961, when these symptoms were first manifested?

A. Right.

Q. They continued, as far as you are concerned, whatever the cause might be, they continued up through this year; there is no question about that, is there?

A. Not always in the same manner; not always in the same level; the problems have continued.

Q. The problems very definitely, based on your own observations, have continued from October 1961 up till the time Cameron last lived in your home?

page 622] A. There has been a pattern of problems, There has been no one specific thing that has existed the entire time in that pattern of activity.

Q. I am not trying to pin you down to one specific thing. Would you say, generally speaking, whatever they be, he's had problems from October 1961 up till the time he last lived in your home?

A. *Gene ally* speaking, he has; yes.

Q. It is because of this that you and Mrs. Gorman sought all this help from various doctors and psychiatrists up there; isn't that true?

A. Right.

Q. You definitely recognized this child's behavior?

A. Right.

Q. And you always went to these people with the hope that you could get them to say if the visitation period is curtailed, it will help the situation?

A. No.

Q. You did?

A. Absolutely not.

Q. You did direct your wife to an attorney up there in *Connectivut,* did you not?

A. No.

Q. You did not?

A. No.

page 623] Q. You had nothing to do with her employing that particular attorney?

A. Right.

Edward Gorman

Q. Did you have anything to do with her contacting these various people she did, by letters which were written in June 1964, did you have any knowledge of that?

A. Had knowledge of it?

Q. Did you know she had these letters written purposely so they could be sent to her attorney? Did you know that?

A. I knew that the attorney had asked her to get a statement from the professionals who had been advising us so that that could be contained in a letter to Donald Crounse in the hope that we could work out amicably a change in the visitation pattern and we struggled hard and long to get this thing worked out without going out, going into court. We made this point, we did not want Cameron grabbed; we did not want this boy to become some kind of a pawn; we did not want his parents disrupted; we wanted to work this thing out amicably and not in the Connecticut courts, either.

Q. Subject to the Court or your own counsel, let me ask you this:

Don't you know as a matter of absolute fact that Mr. Crounse told your wife on the telephone that because of his interest in the welfare of the child he would agree to let the child come down here for 30 days if she would page 624] let the child come down here?

A. I know he wrote a letter to that effect.

Q. And don't you know that your wife, in compliance with that tentative arrangement did not send the child down here?

A. I don't know.

Q. You don't?

A. No, sir.

Q. You don't know what your wife did after she had that conversation with her former husband?

A. Yes, I do, because I was intimately involved in all those activities, so I know.

Q. Did you direct those activities? Did you tell her what she should do, or what she shouldn't?

A. No.

Q. But you were very actively taking a —

A. She is my wife and we worked together as husband

and wife.

Q. So you then were very active in it, as you say.

A. Right.

Q. So you had full knowledge, sir, of the fact that Donald Crounse told your wife over the telephone because of his interest in the welfare of the child, he would agree that the child could come down here just for 30 days?

A. As I say, there is a letter to that effect. I
page *626*] don't know what he said on the phone, but I
know what he wrote in the letter.

Q. You know that after that, there were further discussions and your wife said, in effect, first, she would have to be controlled by what her counsel said and there was further discussion, she wanted some type of document signed.

A. Right.

Q. They said your wife wanted a cash bond. You know that, too?

A. Right.

Q. You didn't get the cash bond, of course, did you?

A. No; although Donald Crounse said he had it and was posting it the next day; for his signature.

Q. These, did these attorneys, did they ever prepare a paper and send it down *her* for Donald Crounse's signature?

A. Not to my knowledge. It was my understanding that he was to prepare the paper and signing it and sending it up there and in fact told Mrs. Gorman he had done so and sent it.

Q. That was your understanding, as close as you were to the picture?

A. That was my understanding.

Q. That Mr. Crounse was to prepare this paper and send it up there to Connecticut counsel?

A. That was my understanding.

Q. And you did not understand they were to
page 627] prepare and send it down for Mr. Crounse?
A. I do not recall.

Q. Let me go back here, as to Cameron, and see if you know: this child, this doctor, rather, when he was angry, he throws hammers, or anything he has his hands on, I kind of creep out of the way.

That is kind of justification on his part.

A. I think so — you mean on Mr. Morgan's part or Cam-

Edward Gorman

eron's part when you say "his?"

Q. I will say first Cameron.

A. Well, yes, if you are talking of Cameron it's fiction. If you are talking of Mr. Morgan it's fiction.

Q. As far as you can remember, in Cameron's presence you have never become angry and thrown anything?

A. Yes.

Q. You have?

A. Sure.

Q. Did he in any way provoke that anger?

A. No, no relationship between those things.

Q. It is true you have become angry and you have thrown things?

A. I would say there has probably been occasions when I have become angry. Kicked a box.

Q. I know the difference between kicking and throwing; do you?

page 628] A. Yes.

Q. Oh, didn't I understand you on direct examination that Dr. Riesenman said *said* something to you about having a hostile activity?

A. *Know,* you didn't understand me to say that.

Q. Are you familiar with that report?

A. In fact he didn't say it.

Q. All right. I misunderstood you.

Are you familiar with a report written, which has been introduced into evidence by Dr. Ogdon, the psychiatrist?

A. I don't know.

Q. Do you know Dr. Ogdon?

A. Yes.

Q. Have you yourself ever discussed this problem with Dr. Ogdon?

A. By this problem do you mean Cameron?

Q. Well, I'd say yes.

A. Yes.

Q. How many different times have you discussed it with Dr. Ogdon? I don't expect you —

A. Once.

Q. Only one time?

A. Once; perhaps twice — twice, twice.

Q. Do you recall approximately when that was?

Edward Gorman

A. In the, about a year ago.
page 629] Q. About a year ago?
A. Yes.
Q. So that would put it sometime in October 1963.
A. Something like that.
Q. Did you ever see a report that she submitted to your psychologist in this case?
A. No.
Q. Never have. Well, do you want to take a look?
There is a copy of the exhibit. I don't know exactly what the exhibit is —

Mr. Ferrari: Yes. Go ahead.

By Mr. Howard:
Q. See if you remember having read it.
A. No. I can tell you I haven't; they weren't given to us.
Q. You have never read that report?
A. I will read it if you want me to. I have not seen it.
Q. Have you *readit,* Mr. Gorman?
A. No, I haven't.
Q. Ever seen that before?
A. No.
Q. Have you ever seen this letter before?
A. Yes, I think so.
Q. Well, that is one of the letters where you and Mrs. Gorman were cooperating with each other, that
page 630] you requested her to get from the school teacher; isn't that true?
A. That I requested her to get from the school teacher?
Q. Well, the two of you decided you should do for your letter.
A. Yes. That is what the lawyer requested us to get.
Q. Do you agree with what Miss Faloney says in this letter of June 6, 1964?
A. Yes. I think so, fundamentally.
Q. Cameron is disturbed and that he has emotional outbursts.
He is unable to perform as he should.
Do you feel that is a fair evaluation of him as of June 1964?

A. Right.

Q. Do you know why in this letter Dr. Ogdon says there, speaking of you, a man who appears to be warm and affectionate, but sometimes finds it hard to deal with underlying hostilities which comes out in the form of teasing or kidding?

Do you know what you might have said to her that caused her to put something like this in her report?

A. I don't have any more reference to hostility than she did about Donald Crounse in the same letter.

Q. Now, let me ask you this: Did you ever have any trouble getting Cameron up in the morning to get him off to school or such as that?

page 631] A. Yes.

Q. Did you have to egg him on, or what would you do about that?

A. Well, we have a tight schedule. Schools start early. He would have to shape up early for the bus. We lived on the end of the line, so the bus picked him up. I have to get up early, also, to go into town, so while Mrs. Gorman was concerning herself largely with the baby I would concern myself getting Cammie going. We did give him his own alarm clock, so he could get set, which he enjoyed. He would be out of bed when it rang. There was a problem there, as there is in all households about getting dressed, and getting fed and getting out to the bus on time.

Q. So you did have to get behind him?

A. Yes.

Q. I think you said around the home you engaged in some form of activity. Is that like playing ball?

A. Right.

Q. What other, generally speaking, what other activity would you engage in?

A. One of the things we liked to do in our house, played a guitar.

page 632] Q. I mean physical contact, bodily contact; something like that.

A. You mean Cameron and me personally?

Q. Yes.

A. We used to, like we'd play football on the lawn. We used to wrestle. We would, he was very big on climbing trees. I used to do that with him sometimes.

Edward Gorman

Q. If I told you that Cameron told Dr. Morgan, when he was interviewing him that he said Ed is a kind of person who always pushes you, pushes you going to church, going to school, would you say there times when you had to encourage him so he could get to school, and so on?

A. Absolutely.

Q. So that would sound like a true statement?

A. That would sound like a true statement.

Q. If he told Dr. Morgan, speaking of you, "We loved to wrestle," would you say that was true?

A. Yes.

Q. That you would say "Step on it; step on it, step on it?"

A. That is another form of "get going;" yes.

Q. But when he says — I believe you have already testified that you do recall an occasion when you have been angry, that you have thrown things, but you have no recollection of throwing a hammer.

page 633] A. No specific recollection of throwing a hammer.

Q. Do you have any recollection of him creeping out of the way?

A. No, I can't imagine Cameron creeping out of the way from me. That is very far-fetched.

Q. Now, I believe you testified that if Cameron disobeys or maybe you said "I don't know — my recollection — Mrs. Gorman, she would put him in the room."

A. Yes; that was one form of punishment.

Q. Then would say this is correct, this statement made by Cameron when interviewed by Dr. Morgan:

"She puts me in my room for ten minutes."

Would you say that is correct?

A. I would say that has happened.

Q. "My mother yells and gets in a temper."

Have you ever seen that happen when Cameron and his mother were in the same house or room that you were in?

A. I have seen her — I have seen his mother become angry and speak to him sharply. I have seen her raise her voice. I

don't know what Mr. Morgan means when he says get in a temper.

Q. Have you ever heard your wife tell him to "get up in your room?" Have you ever heard her use that expression?

A. Yes, sir. Of course; I have used it myself.

Q. Have you ever heard your wife scream at
page 634] Cameron over troubles about the baby, his baby sister?

A. No; there was no trouble about a baby sister. There was a most remarkable relationship.

Q. What would cause your wife to scream when she did scream at him? What would precipitate that?

A. I don't — she is not a screaming person. I don't think of her as screaming. I am not familiar with her screaming.

Q. A loud, angry voice?

A. I have heard her raise her voice. There is a tone that comes into one's voice, a firmness as well as loudness but that is not what I call screaming.

Q. Well now, let me ask you this, Mr. Gorman, isn't it true that on many occasions your wife has been upset or angry, however you want to express it, and in the tone of voice, in a loud, angry voice, talked to you about Cameron, her inability to handle Cameron?

A. I have never heard her say she was unable to handle Cameron. There have been times when Cameron is unmanageable, almost physically, but I don't think Mrs. Gorman suggested she was unable or had the inability to cope with him.

Q. You mean in, other words, that Cameron would get so angry and get so emotional, that actually, as you say, it was difficult for either your wife or yourself to restrain him physically?

A. That has happened; right.

page 635] Q. And do you remember, briefly, any of the circumstances under which those episodes might have occurred?

A. You mean what precipitated him or the nature —

Q. Something must have brought it on that was in the home.

A. Right. Almost all of Cameron's disturbances are precipitated by something so insignificant, being something you

can't even recall a half hour later. It is an explosion. It is a set of frustrations building up in him, and suddenly there it is; it doesn't have to do with anything specific.

A. All of a sudden he has these outbursts?

A. Apparently.

Q. This was true of course at the time your wife and yourself decided to seek psychiatric help for him?

A. That is right.

Q. In the spring and summer?

A. In the fall of 1963

Q. You say these conditions didn't exist in the spring and summer of 1964?

A. To a much lesser degree.

Q. You just got through — you agreed with his condition; about what Miss Faloney said.

A. I don't think *Mrs.* Faloney has outbursts, and the way you are characterizing them now these are a matter of degree.

Q. These outbursts would come on spontan-
page 636] eously, for no reason. In 1964 they did not appear as bad as the year before?

A. Or as often.

Q. He still had the problem; there is no question in your mind about that, is there?

A. A considerable difference in degree; he still had the problem.

Q. He had not had any treatment?

A. Yes. He was in treatment in the early part of 1964, as I testified earlier.

Q. I thought you said it was in 1963 these conditions appeared to grow better.

A. No, I didn't.

Q. In '64, after he got treatment?

A. I don't relate the improvement to the treatment alone but I don't think there is necessarily a cause and effect relationship.

Q. Well, if it was improving in '64 before you went to a doctor, why did you go to a doctor?

A. Either you or I are confused about this. We went to the doctor in the fall of 1963, Mr. Howard.

Q. That is right; I understand.

A. He actually went in for treatment early in 1964. I have

just said by May or June of '64; the time Miss Faloney wrote that letter these problems were quite a
page 637] bit easier to handle and there were less of them than there had been in the previous fall, when we sought professional help.

Q. Who had he been under treatment in 1960, who was treating this child?

A. Dr. Schultis at Silver Hill Clinic.

Q. You mean he went there for evaluation or for treatment?

A. Both.

Q. Do you know how many times he went there?

A. Mrs. Gorman used to take him every week but I don't know for how long.

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page 639]

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Miss Harrison: Mr. Arnold Westwood.

page 640] Thereupon

ARNOLD F. WESTWOOD,

having been previously duly sworn, was called as a witness by and on behalf of the defendant, was examined and testified as follows:

DIRECT EXAMINATION

By Miss Harrison:

Q. Mr. Westwood, would you state your name and your address, and your occupation for the *Cort,* please?

A. Arnold F. Westwood.

I live at 14 Road, Westport, Connecticut.

I am a clergyman, minister of the Unitarian Church in Westport.

Q. Are you acquainted with Mr. and Mrs. Edward Gorman?

A. Yes. I have known them since they have been in my

parish, for about three years.

Q. From what dates?

A. I couldn't say exactly; about three years ago this fall.

During this three-year period, how frequently have you come in contact with Mr. and Mrs. Gorman. I have called on them, I spend an evening visit, a leisurely evening visit and met the children and then I have seen them at church regularly.

I have also been in closer touch with Mr. Gor-
page 641] man, last fall when he was a teacher in our Sunday School.

Q. By the way, where is your parish, and how large is it?

A. From Darien, New Canaan, Richfield, Wilton; it is the only Unitarian Church in the area.

Q. Approximately what size would you say your parish is?

A. About 300 families.

Q. How long have you been, sir, presiding minister at this parish?

A. About six and a half years.

Q. I believe you stated you have been in the home of Mr. and Mrs. Gorman.

Can you describe that home, sir? You saw it?

A. Well, it is typical, of course. It doesn't exist any more now. It was demolished by fire. Upper middlle class home, very warm, friendly home, neat, with attractive appointments.

Q. Now, sir, do you have any interest which in any manner would be affected by the outcome of this litigation?

A. No.

Q. Are you related, sir, by — to either Mr. or Mrs. Gorman by blood or marriage?

A. No.

Q. You of course know where Mr. and Mrs. Gorman did reside and where they reside now?

page 642] In New Canaan, Connecticut?

A. I have been to their present residence, but they do live in New Canaan.

Q. Where, sir, in relation to your own residence, do they reside, in terms of distance, approximately?

A. I live in the church property.

Q. Yes. How far, in distance, is this, actually?

Arnold F. Westwood

A. I am not sure. I couldn't say exactly. It is a ten or fifteen minute ride.

Q. All right, sir.

Now, did the homes which you have described, knowing where Mr. and Mrs. Gorman reside, these are all in the same approximate distance to the church and also this is the same period of time you stated you know them.

A. Yes. We have many families that live further away from our church than the Gormans do, quite a few. It is not uncommon for people to travel as much as half an hour, each way, to attend service.

Q. Now Mr. Westwood, Mr. and Mrs. Gorman are participants in your church?

A. Yes.

Q. How long have they been active participants in the congregation?

A. Since they first started attending three years ago.

Q. Are they still active participants in your
page 643] congregation?

A. Very much so.

Q. Can you describe, please, Mr. Westwood, the activity of Mr. and Mrs. Gorman while they have been members in your congregation, what participation?

A. They have been finely supporting the church. They have been attending the services. Mrs. Gorman sang in the choir for a while. Their level of participation was equal to that of the ordinary parishioner.

Q. All right, sir. During the time you have known them and during the time particularly that Mr. and Mrs. Gorman have been members of the church, have you met with others in your community and in your congregation who also know Mr. and Mrs. Gorman?

A. Yes.

Q. And have you had occasion to hear these people discuss Mr. and Mrs. Gorman?

A Well, really, only in the most ordinary way. The time of the fire a number of our parish were concerned, interested, lending clothing, coming by to see what they could do.

This is the only way in which they stood out beyond anyone else; at the time there was a great outpouring of love and concern for them.

Arnold F. Westwood

Q. Can you tell the general reputation of Mrs. page 644] Gorman — her reputation in your community and in your congregation?

A. Highest sort.

Q. Can you give a general reputation of Mr. Gorman in the community in which he lives and in your congregation?

A. It is the same. We wouldn't have him teaching Sunday School and being with our children in the 8th grade class.

Q. Mr. Westwood, can you relate to the Court the participation of Donald Cameron Crounse, Jr., Mrs. Gorman's son, in the actvities, of the church life of your parish?

A. Well, he has attended our Sunday School as a student and I can not give any precise information as to other than he is enrolled and has attended as I do not meet with the children and couldn't speak first-hand there, other than he has been present in class.

Q. All right.

No further questions.

CROSS EXAMINATION

By Mr. Howard:

Q. Is it proper to address you as Mr. Westwood?

A. Yes.

Q. You told us you don't come in contact with the children that go to your Sunday School. I guess you have enough trouble keeping up with your parishioners. Do they keep records in your church of the children who do page 645] attend Sunday School?

A. Yes.

Q. And do they by any chance keep any records to show what Sundays they are present?

A. No. This isn't information that I see. *The* often keep this kind of record.

Q. Just for their own use?

A. Yes. We don't give prizes for attendance or any thing of that kind of thing, so there isn't a premium on this kind of information.

Q. But you do feel that your teachers in the Sunday School do keep a Sunday record, so to speak, of who is there on a

particular Sunday and who is not if they be a member of the class?

A. Some of the teachers do this and I couldn't say which ones do or don't.

Q. So you would not know whether any teacher in your church kept a record of the number of Sundays that Cameron might have come to Sunday school?

A. No, I don't know that.

Q. You didn't make any effort to find out before you came down here?

A. This information isn't kept from year to another because there is no reason to keep this information. We would have it for this fall but Cameron *hasnot* been in

page 646] attendance this fall.

Q. Your teacher would have it from January 1 up to the present time?

A. No; over the summer it would probably have been destroyed.

Q. How about the early winter of '63?

A. I just don't know if that is available or not; I just didn't think to find this out.

Q. You made no effort?

A. No.

Q. Would you know Cameron if he walked in the classroom?

A. No, I wouldn't. I met him when I called in the nursery. I have five hundred children in the Sunday School. I wouldn't place Cameron.

Q. I can certainly understand that. I am sure you have many, many things to do, but you would not know him if he walked in the classroom. You have dozens of kids to observe.

A. I have known his parents quite well. I am always with the parents more than I am with the children.

When I am in worship I come in as a minister and talk with the children en masse and *donAt* get any chance to give them individual attention unless there is some special reason why I would.

Q. Am I correct that you said on direct you

page 647] have not visited in the home since they had the fire?

A. That is correct.

Arnold F. Westwood

Q. When did they have this fire, if you know?

A. It was last winter some time, if I recall. I don't place the date specifically.

Q. By any chance would you know the year?

A. Oh, golly, let me see. Well, it seems to me it was 1964.

Q. Do you know where they were living at the time they had the fire?

A. Yes. I couldn't give you the name, an address, but I could drive directly to that spot.

Q. Had you ever visited in that house?

A. Yes.

Q. Just the normal visit that you make to the home of your parishioners?

A. Well, a modern minister can only get around infrequently and every new family I visit for a proper visit to get acquainted with them, and I call in their home probably for a little over an hour, and, of course, my interest in being there was to get to know the family, particularly the mother and father.

Q. Your visits were strictly in connection with your capacity as minister of the church that you attended?

A. That is correct.

page 648] Q. They were not from the standpoint of being correct?

A. No, that is correct.

Q. Do you have any reason to believe you were ever in their home in the year 1964?

A. No. I wasn't in their home in 1964.

Q. Do you ever recall whether you were in the home in 1963?

A. No, it would have been in the, around the fall of 1962, I believe is when I was there, three years ago, when they first came to the church.

Q. As you say, this normal procedure if a new parishioner comes in the church, of course you want to make yourself familiar and you visit the home?

A. That is correct.

Q. You visit the home one time.

A. That is correct.

Q. Now you don't come in contact with them in church, do you, at all?

Arnold F. Westwood

A. Oh, yes. I see everybody when they are in church. Of course I stand at the door, greet the parishioners and we have met on other occasions at social affairs, church suppers and the like. I feel I know Mr. and Mrs. Gorman very well, indeed, but as for the *fisiting* in their home, other than that one time the three hundred families in the parish, so I *canAt* possibly get around so this is how I

page 649] know my parishioners.

Q. Did either Mr. or Mrs. Gorman ever talk to you about their child Cameron?

A. Oh, yes, certainly. I have met with them and talked over their problems with the child.

Q. What was the nature of the problem they discussed with you.

A. Well, the most of my discussions have been since the matter of custody was raised.

Q. That would be sometime, since sometime this year?

A. Yes.

Q. And that was in reference to having you come down and having you testify?

A. Yes. And also the concern for the child's health prior to then, his problems he was having then that related to the matter of custody.

Q. Did Mrs. Gorman tell you for what period of time this particular problem had existed with the child?

A. I think, as I understand it, it has been mostly in relationship to school. And more recently than previously.

Q. When you say school, do you mean with reference to his behavior?

A. Having a difficulty in school.

Q. Difficulty in his behavior as well as with his academic work?

page 650] A. Yes.

Q. Did she ever discuss any emotional problems the boy had other than these outbursts of *bemper,* outbursts such as that?

A. Not particularly. No; I can't remember.

Q. Do you recall whether or not in those conversations she attempted to ascertain from *youwho* taught her child in Sunday School?

A. No. We never discussed the Sunday School situation.

Arnold F. Westwood

Q. You, of course you have no knowledge whether he was a behavior problem or not?

A. If he were I would have known it.

Q. Actually you have no direct knowledge he ever attended Sunday School there?

A. Other than the fact I knew the family came to church and the family was there, he must have been there with them. I couldn't prove that he was in the Sunday School in that sense.

Q. Well, you mean that you conclude just because they came to church that he would be in church with them or he would be in the *sunday school?*

A. They had children going with them, going home. I can't identify Cameron. I can't say the children.

Q. I am not trying to argue with you.

page 651] Let me ask you, do you have a child's department which is separate and apart from your adult part?

A. We are all in one building. The children are in the *sunday school* while the adults are —

Q. That is my system when I get to church.

A. So, I am responsible for the adults and the teachers are responsible for the children. I can't be with them.

Q. Well then, I say you do not know of your own knowledge or you have seen no records from your church to make you know that Cameron ever attended *sunday school,* have you?

A. I haven't seen any such records, written records, if that is what you mean. I wouldn't be likely to see this for any child in the *sunday school.*

Q. Well, when these people, meaning Mr. and Mrs. Gorman, talked to you about this custody hearing, they wanted you to know — you to be a witness in court. It wouldn't have been too much trouble for you to have determined whether or not Cameron ever attended Sunday School, would it?

A. No.

Mr. Howard All right, Mr. Westwood, that is all. Thank you very much.

The Judge: You may be excused.

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page 652]

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MARY FEARON,

having been previously duly sworn, was called as a witness by and on behalf of the defendant, was examined and testified as follows:

DIRECT EXAMINATION

By Mr. Ferrari:

Q. Will you please tell us your name?

A. Mary Fearon. I live in New Canaan, Connecticut.

Q. Could you speak up just a bit louder?

A. Yes.

Q. You are married?

A. Yes, I am.

Q. And do you have children?

A. Two.

Q. Boy and girl?

A. I have a boy 11 and a girl 9.

Q. And how long have you lived in New Canaan?

A. Almost four years.

Q. What does your husband do?

A. He is in advertising with IBM.

Q. And how about yourself, housewife?

A. Yes.

Q. Now, do you know Mr. and Mrs. Gorman?

A. Yes.

page 653] Q. Do you know their children?

A. Yes.

Q. Would you tell us how long you have known them?

A. We have known both Ed and Aneen about three years. We have met them at a party in New Canaan and have known them all that while.

Q. You say Ed and Aneen. You Mr. and Mrs. Gorman?

A. Yes.

Q. And how about Mrs. Gorman's son Cameron?

Mary Fearon

A. I have known Cammie as long as I have known the Gormans.

Q. I see. And how close is this friendship?

A. Well, I would consider it a fairly close friendship. We see a lot of Ed and Aneen.

Q. You are neighbors?

A. Well, not next door neighbors, but we both live in the same town.

Q. Now have you had occasion to be in their home?

A. Yes; on many occasions.

Q. Well, now, prior to 1964, from the time you first met them, can you give us any idea on how often you were in their home?

A. I would say oh, probably once a month; maybe more frequently; and they would come to our home probably that often also.

page 654] Q. Were you in their home with your children?

A. At times.

Q. Were they in your home with their children?

A. Yes.

Q. Were you — Mrs. Gorman with her children and your children?

A. Yes; there were times when Aneen was busy and I would take, meet Cammy after school and take care of Anne and Cammy together and occasionally on Saturday morning Cammy would come and play with my son and we did see, probably saw more of Aneen than I have of Ed.

Q. And did you ever visit their summer place in East Hampton?

A. Yes. We have been out there on two different occasions.

Q. Would you tell us when these occasions were?

A. The first time we went out on a very long weekend, a four-day weekend, with all our children. Ed was there and my husband was out and then this summer I was out there a week alone with Aneen, with all the children.

Q. With all her children and all your children?

A. Yes.

Q. The first visit?

Mary Fearon

A. I would not say — not this Memorial Day, but a year ago.

page 655] Q. Have you had opportunity to observe Cameron with his mother?

A. Many opportunities to observe him.

Q. Under what circumstances, doing what?

A. Well, I had an opportunity to observe Aneen to bring her children to my house and they had all been playing. I had of course more opportunity to see Aneen out with Ann and Cameron when I stayed there on the two occasions because they were not just a short visit; it was a period of four days at one point and seven at the other.

Q. How did Cammy get along with your children?

A. Very well. He's always gotten along very well with my children.

Q. When you say very well, do you mean they played well together?

A. They played well together and my son is maybe a year or two older than Cammy and Cammy looked up to Jeff in many ways and I think they had a very nice relationship and Cammy was always very happy in playing with him.

Q. This would have been in our home. How about at the Gorman's home?

A. At the Gorman's home they always had plenty of outside area to play in and had a lot of fun there, too.

Q. Did you ever have any occasion to observe Mrs. Gorman when she had to discipline her child?

page 656] A. Yes.

Q. Could you describe some of those occasions and how she did this and under what circumstances?

A. Well, I can't remember only one recent example of Aneen disciplining Cammy was this summer, but generally, her plan of discipline has been consistent. I always felt it has been with a firm, loving hand that would *hand* a child that became testy and would challenge her authority

Q. Did you ever have any occasion to see her strike the child?

A. Never.

Q. Was she able to by your observation control him whenever there was any problem?

A. Yes. In this particular thing that happened this sum-

mer. We were in a shop and it had something to do with Cammy getting a book, *buthe* also wanted to buy a present for his sister; I don't remember exactly; something; Aneen says it wasn't time to buy her a present and he became a little testy and she said Cameron, you won't be able to ride your bike with the rest of the children if this isn't settled now. He whimpered for a little while and then we all went home, and that is the end of that; that was the only incident in that whole week when she had to use a firmer voice than she normally did.

Q. There — this was the week of June 30 this year?

page 657] A. I think the schools were out something like the 24th of June and I went out about two days after schools closed.

Q. Have you had opportunity to see Mr. Gorman with your children and with Cameron?

A. Yes. I have had many opportunities to see them together, too.

Q. Under what sort of circumstances would that have been?

A. One instance I particularly remember seeing. We came upon them one afternoon ice skating. Aneen was away. We saw Cammy and Ed. Cammy was having a terrible time standing up on the ice skates. The other children went off skating. We asked him too. He said he had promised to take Cammy to an Italian restaurant and this summer — it wasn't this summer, it was *Memoraial* Day weekend, we spent a year ago.

Ed took all the children fishing, and the one who caught the most fish got a prize and Ed always has been good any time I have ever seen him with Cammy and with my children, and at a very large birthday party they had for Cammy at one time.

Q. Where was that?

Q. This was at the Gorman's house. He took a large group of children into New York. He's also taken my children and Cammy into the circus in New York and done lots

page 658] of exciting things with them.

Q. Now there came a time that their home burned; it that correct?

A. Yes.

Mary Fearon

Q. Do you remember when that was?

A. I do remember when that was.

Q. When was that?

A. It was last February during the school vacation.

Q. Do you know where the Gormans were?

A. Aneen was in Florida visiting her family and Ed was away in California and we got a phone call from a very good friend of theirs, there was a fire at their house and why didn't I get some of Aneen's friends together and see what we could do, because she was going to be back in four or five days, so I called a few friends and I said I would go over to look at the house and there was absolutely nothing standing and I don't think Aneen knew it at that point. I think Ed called later in the day and I talked to, that night I called Aneen to tell her how sorry I was and I was a bit amazed on how she took this whole thing.

Q. Did you have occasion to be with her shortly after that?

A. When she came back I saw her.

Q. What did you both do?

A. She came over a couple of times. They were

page 659] looking for a place to live. They were trying to find a furnished house. There were times then — I think it was one of those nights that I had Cammy and Annie spend the night with me.

Q. And have you been in the homes that they have rented during this period after the fire?

A. Yes. I have been, I have been in three different ones and I think I have been in all of them. I am sure I have.

Q. Can you tell us a little bit about how the home was kept?

A. Well, just the way Aneen kept the house that burned. It was a very lovely home. She is an interested homemaker and a gardener and these other houses were kept the same way.

Q. Do you know what some of her interests are?

A. Well, I know she is, I know she is interested in gardening, and I know she is interested in cooking and I know they go to the theater and she is interested in *cultureal* things.

Q. Now did you have occasion to observe Cameron at the dinner time at various meals?

A. In my home I have.

Mary Fearon

Q. And how about in the Gormans' home?

A. I think — yes, there one or two occasions when my children ate with Cammy at their home.

Q. And in East Hampton when you visited?

page 660] A. Yes; in East Hampton.

Q. Well, can you describe the way Cammy acted at meal times in a general way? Did he have any serious problems that you may have observed?

A. Well, I don't think he acted any differently than any other boy at the table, at least in my home. He always did exactly what I asked him to. I never had a problem with him. I think he was just like any other seven or eight year old boy that would come into my house.

Q. How about when at the time you were in the Gormans' home?

A. At East Hampton he would always eat, ate with my children and as a result we all ate together. I, as a rule, I don't — I mean we all had fun at dinner, at the dinner table. We all talked, did things like ate the lobster, and the children all enjoyed that type of thing. This was at East Hampton.

Q. Were you aware that Cameron was aware that he was having any problems?

A. Only what I had heard from Aneen and Ed. I never saw him in anything, I would say, abnormal condition anyway.

Q. Well, can you tell us how Cammy was dressed on the occasions you saw him; how did he look with respect to his attire?

A. What do you mean?

page 661] Q. Well, if you can describe, because you saw him at play time.

A. I have seen him at play time.

Q. Can you describe the clothes he wore?

A. No; just boys' clothes — trousers, shirts, sweaters.

Q. Did they fit him?

A. Yes. They seem to fit him as well as any other boys' clothes fit.

Q. How about when he came to your home for a visit in other than play clothes?

A. He always had, he always seemed very properly dressed

and when he spent the night he had pajamas and the things most children had.

Q. After the fire, did you participate in giving some clothes or loaning some clothes to the Gormans?

A. I think I may have given him a sweater and a jacket or something like that.

Q. Now, you say you have been with the Gormans on social occasions without the children?

A. Yes.

Q. *Woyld* these have been house parties and dinners?

A. Dinner parties.

Q. In your home?

A. In my home and in other people's homes.

Q. In their home?

page 662] A. In their home.

Q. Can you tell us in any way about their actions on these occasions, is there anything unusual about the way they acted or the way they handled themselves?

A. Nothing unusual; no; I think they behaved the way everybody else behaved, very properly.

Q. Do you know many of the people who know them?

A. A lot of the people who know them.

Q. And have these people spoken to you about them on many occasions generally, conversations about the Gormans?

A. In what respect?

Q. Well, you have had occasion to talk to friends of theirs and what I want to know, whether any opinions concerning the Gormans had ever been expressed to you by friends?

A. Well, I think the people I know who know the Gormans are all very good friends, a lot of people of New Canaan have known them for a long while and they're generally well liked and thought highly of.

Q. Thank you.

Mr. Ferrari: I don't have anything further, Your Honor.

CROSS EXAMINATION

By Mr. Howard:

Q. Mrs. Fearon they're generally well liked

page 663] in their area; is that correct?

A. Yes, they are.

Mary Fearon

Q. Beg pardon?

A. Go on.

Q. That answer is based on conversations you have had with different people concerning Mrs. Gorman?

A. I think maybe I have really never heard anyone say anything about Aneen and Ed that hasn't been in a complimentary way.

Q. Do I understand you have known them for approximately four years?

A. No. I said I have lived in New Canaan about four years. I have known them for three years.

Q. And during that period of time you have visited in their home approximately once a month?

A. And maybe more frequently than that.

Q. And would you say the visits in your home by them have been about once a month also?

A. No. I would say probably more frequently, there, they have been in my home.

Q. And do you know how much of this time that Mr. Gorman spends away from his home because of his business?

A. I don't know how much time he spends away from *in,* because of business.

Q. Do you know that from time to time he does page 664] go out on trips?

A. As a matter of fact he hasn't been away, to my knowledge, that much, because I talk to Aneen fairly frequently on the telephone and when Ed is out of town we get together sometimes with my husband and if my husband happens to, so it hasn't been that frequent, to my knowledge, he's been away.

Q. How close do you now live to the Gormans?

A. Oh, maybe a mile.

Q. How frequently would you say you have come in contact with them since June of this year?

A. Well, we have, I have talked with Aneen on the phone when she was in East Hampton and Ed *hasoccasionally* been in New Canaan and has come to our house for dinner.

Q. How frequently have you seen Mrs. Gorman, not, I don't mean talked to her; have you seen her since June 1st of this year?

A. Not a great deal during July and August, but since

Mary Fearon

September I have seen her fairly frequently.

Q. On an average of once a week?

A. I can't be, I don't really know because I haven't really thought much about it. I will say I have seen her more frequently recently than I have, well, I have had the children, I have had Ann to take care of, so I have seen Aneen a little bit more.

Q. You have had Ann to take care of?

page 665] A. Well, if Aneen has had to do an errand, I have taken care of Ann.

Q. How long have you started to help her take care of Ann or keeping Ann?

A. They have some woman who is usually available. It has been occasionally an after school type of thing and I have only taken care of Ann when Aneen isn't able to get hold of this older woman.

Q. Would that be since June or would that be for the whole year of 1964?

I mean, you have used the expression you have taken care of Ann. Well, would you say this has been for the year 1964?

A. Well, I would never make a statement I have taken care of Ann because it's been so seldom I wouldn't consider, I wouldn't even express it that I have looked after her maybe a few times.

Q. I don't mean to imply that Mrs. Gorman would go out and leave the child. I just understood you to use that language. I didn't understand what you did mean by "I understand you to," if Mrs. Gorman had to be some place, you being a friend, she'd just ask you like you asked her; is that right?

A. In fact she never really asks if we are. You can be talking o the phone. She says, I will say, let me take care of Ann. I can get Betty and I'd say, I don't mind keeping her for a couple of hours.

page 666] Q. I have done that myself, so I am certainly not arguing how long have you been doing that on that basis?

A. You are talking specifically about Ann?

Q. Yes, Ma'am.

A. I'd say probably I can't really be, don't really know; it's not been, it's just been fairly frequently; I'd say more

frequently since the fire, when it's been a question of looking at houses and it's been a question of doing that kind of thing that I have probably had Ann more than I had before she's been a very small baby.

Q. Do you know where they lived *afterthe* fire?

A. Did I know where they lived after the fire?

Q. Do you know where they did go to live.

A. Yes.

Q. Where did they live?

A. They lived in a house in New Canaan on Lambert Road.

Q. Cammy was with them then, was he not?

A. Yes.

Q. Did you have *s* similar arrangement with Mrs. Gorman about Cammy if you were talking with her and she said you wanted to do, you'd offer to keep Cammy for her?

A. Occasionally, but not that often. She had this older woman who really sat for them most of the time; whenever I did have Cameron it was mostly for companionship for my children and somebody for company to play with.

page 667] Q. Now, how old are your children?

A. I have 9 and 11.

Q. Are they boy and girl?

A. Boy and a girl.

Q. How old is your boy?

A. He is 11 now.

Q. How does he compare — I guess the last time you saw Cammy was this summer.

A. Yes.

Q. At that time your boy was ten or 11?

A. He was ten.

Q. How did he compare in size to Cammy?

A. Oh, he may have been — do you mean how much taller?

Q. Well, was he larger?

A. No. He and Cammy have a very much same type of build, because he's older, maybe a little taller.

Q. Did you ever see Cammy wear any of the clothing that you gave to his mother?

A. I don't remember.

Q. The clothing that you gave to his mother belonged to your son?

A. I think it was just a sweater and a jacket because it

was February, it was winter and about the only thing I gave her I think was a sweater and a jacket.

Q. You don't have any recollection of seeing
page 668] Cameron wearing the clothing you gave to him?

A. I don't remember that I have.

Q. As I understand specifically the period of time you were either in the presence of Cameron or Cammy in the Gorman home or when Cameron was in your home either with or without parents, as far as you are concerned, he was a perfectly normal child?

A. I don't really think I am qualified. He was a normal child, he was testy with his parents like my children are testy with me occasionally. I think all children are this way. I would certainly not be qualified to say he was normal or abnormal. I guess I will retract that and say I didn't think he did anything that was abnormal.

Q. As far as you are individually concerned and having had the concerns you had with two children, was he ever in any sense of the word a problem to you?

A. Never. He played very nice, did anything I asked him, especially when he spent the night with me one time. I said it was bedtime, he went up and took a shower, and did everything I asked him to do, and went up and took a shower.

Q. From the standpoint of behavior you saw nothing wrong with him?

A. Nothing.

Q. Beg your pardon?
page 669] A. Nothing.

Q. You can never recall ever seeing him in a temper, did you?

A. Not in a temper any more serious than my own children would have been in occasionally.

Q. Well, if you ever did see him in a temper, there was nothing abnormal about it as far as you are concerned?

A. No. I don't think so. There was only one time I had seen him in a temper and Aneen handled it in such a way it didn't last very long.

Q. When was that?

A. This summer.

Q. In the store?

A. Yes. When he wanted to buy something for his little sister.

A. Yes.

Q. That is the only time you ever saw him display anything in the way of emotion?

A. I did because when I saw him he always seemed to be the whole — everybody was out there having fun. It was summer. We went to the beach and I occasionally took him for walks to the sanctuary, to the library, to the Whale Museum, and we all had fun together.

Q. When did Mrs. Gorman first tell you about the problems that she was having with Cammy?

page 670] A. I don't really remember specifically; we never really talked much.

Q. I might have misunderstood you. I thought you said the first time you thought there were any problems involved was when Mrs. Gorman told you.

A. Well, anything she may have said, she may have occasionally said there had been problems in school and in fact I did know he was seeing a doctor in our neighborhood.

Q. When was that?

A. Well, whenever he saw him I don't remember exactly, specifically who it was.

Q. You don't know who the doctor was?

A. He was a psychologist who lived around the corner from where we lived.

Q. Do you remember his name?

A. Dr. Ogdon.

Q. A female doctor?

A. Yes.

Q. How did it come to your attention that Cameron was going to her?

A. I think since it was right around the corner a friend came *overand* waited for him.

Q. Did it surprise you to learn the child was going to a psychiatrist, based on your observation? I mean, of him.

A. Well, it wasn't anything startling to me.

Q. In other words, nothing unusual to you if

page 671] you found a child seven or eight years old is going to a psychiatrist for help? You don't think it is unusual?

Mary Fearon

A. Unfortunately there are a lot of children seeing psychologists that I have heard about.

Q. Nothing has been said to you or you had observed nothing prior to that to make you feel there was any need for him to go to the psychiatrist?

A. Any observation I had of Cammy was in a situation in my home or in their home. That didn't —

Q. You saw nothing wrong about his behavior?

A. I didn't see — I saw him only in an occasionally testy situation with his mother.

Q. Well now, then, you, I believe, said, considered yourself very close to Mrs. Gorman and it is your recollection that Mr. Gorman waited in your house for Cammy when he went to this psychiatrist?

A. Yes.

Q. Did you by any chance ask Mrs. Gorman why Cammy was going to a psychiatrist?

A. She probably told me. I don't remember how the conversation exactly went, whether she volunteered or whether I asked questions. I don't think I asked questions because I don't usually do that.

Q. You are a very close friend of Mrs. Gorman, as I understand it.

page 672] A. Yes.

Q. To the extent you on different occasions offered to help her look after her own children?

A. Well, it wasn't altogether a doctor or anything like that.

Q. I never heard you say anything about going to a doctor but I understood you to say if you were going to see Mrs. Gorman she indicated she was going someplace. You would then and there offer to keep her child or children for her?

A. Yes.

Q. This part of it is true, is it not?

A. Yes.

Q. So now I ask you when you learned the child had gone to a psychiatrist and the mother was in your home waiting for the child to come from the office of the psychiatrist at all with Mrs. Gorman or ask why is this child going to a psychiatrist.

A. We discussed it. It is difficult for me to remember the

exact sequence of the conversation.

Q. I am not necessarily interested in sequence. You are sure it happened this year?

A. Yes, it did happen this year.

Q. Well now, did you ever get a reply from Mrs. Gorman as to why the child was going to a psychiatrist?

A. Well, it was because I am sure there was
page 672A] a family, home life situation, as I understand
it, and I don't remember specifically, there was a period when he was away from a great deal and was moved back and forth, and this what I was led to believe was the problem.

Q. Now when you said a family problem —

A. A separation from one and not being in one spot for very long.

Q. Did she tell you the nature of the trouble she was having with Cameron?

A. What do you mean by that?

Q. Did she tell you she just could not control Cameron?

A. No. *Hse* told me he was having problems in school.

Q. Problems as far as discipline was concerned?

A. In school; she said they were having difficulties with him in the home?

Q. And she did not say they were having difficulties with him in the home?

A. I don't remember specifically what she said. It really wasn't that detailed. She said they were having problems with Cammy.

Q. Is this the only time you discussed Cammy with her?

A. I don't think it was the only time.

Q. You must have talked to her about the trouble she was having with Cammy?

A. Yes. I was interested.

page 673] Q. Can't you tell us about the problems she
was having with Cameron in the home?

A. I don't think we ever discussed in detail exactly how Cammy behaved in the home.

Q. Speaking now, you learned of him going to a psychiatrist. Did you discuss it with Mrs. Gorman?

A. Yes.

Q. You definitely now remember she told you that the

child was having this behavior problem in the school and the teacher couldn't do anything with him?

A. I didn't say the teacher couldn't do anything with him.

Q. What did she tell you was the nature of behavior problem in the school?

A. She didn't gó into detail. She said they were having problems with him in school.

Q. What did she tell you was the nature of the problem in the *homse*?

A. She didn't go into detail. She merely said they were having difficulty with Cammy.

Q. And when she said "We were having difficulty," as you have said, it was Mr. Gorman and herself that were having difficulty?

A. I didn't say she said that. She said she and Mr. Gorman were having trouble with Cammy.

page 674] Q. Didn't you say she had said "We are having difficulty with Cammy?"

A. Well, perhaps I did.

Q. What did you mean when you *sayd* "we?"

A. I meant if they were having problems within the school with their youngster, it is a problem that both parents share, particularly if Mr. Gorman is the father, I am sure he shared whatever problem Aneen had with him.

Q. Now you say she discussed this with you on more than one occasion?

A. Yes. Probably I don't recall how many occasions. It wasn't the entire, we never really got together and perpetually discussed Cameron's problem. We talked about other things.

Q. I am sure you did. When did she first talk to you about coming down here and being a witness?

A. Probably, I think maybe, I think it was the day that her lawyer arrived in New Canaan.

Q. That her lawyer arrived in New Canaan?

A. Yes.

Q. That was the lawyer from Connecticut?

A. No, it was this lawyer right here.

Q. The day he arrived in New Canaan?

A. Yes. In fact, as a matter of fact, this is exactly how

it happened. Mr. Ferrari went to see Dr. Ogdon,
page 675] who around the corner from us and Aneen came
by and I think at that point would you be able
to go down to Virginia, and I said *If* I could I would, if I was needed.

Q. And did she tell you then why she would want you to come down here?

A. Well, she actually wasn't there very long. I think she really just stopped by a very brief moment and came in the house and went right out again and —

Q. Well, did anybody tell you why they wanted you to come down here?

A. Well, I at some *pointknew* that they wanted Cameron to spend time in Connecticut, and his life was chopped up in such a way that they felt this might be a contributing factor to the discipline problem in school.

Q. All right. Now, who told you about his life being chopped up and this being a contributing factor to his emotional problem?

A. Mrs. Gorman.

Q. When did she tell you that?

A. I don't remember.

Q. You don't remember?

A. I don't remember the exact date; I am sorry.

Q. Would it be in the year 1964?

A. The problem — well, they had problems with him last year in school.

Q. In 1963 you knew about that?
page 676] A. I knew they had problems. I never knew
all the details.

Q. I understood you made this perfectly plain, but you did know in 1963 they had problems with him.

A. In school.

Q. How did you know that?

A. Because I worked in the school.

Q. You worked in the school where Cameron went?

A. As volunteer and couple of times I saw Cameron.

Q. What did you see him do in school?

A. I saw him cry outside of the classroom.

Q. Do you consider because a child cries the school is having a problem with him?

Mary Fearon

A. It was not on only one occasion.

Q. Well, how many different occasions did you see it while you were at the school?

A. Maybe several.

Q. What type of a cry was it?

A. It was a cry that was really very sad to *here*.

Q. A sad cry?

A. A very sad cry, yes. It made me sad to hear him cry that way.

Q. Was he just trying to catch his breath?

A. At times.

Q. Did you undertake to see why he was doing page 677] that?

A. No. I am a volunteer. I have no right to interfere.

Q. But this was a child of a very close friend of yours.

A. I am — you can't go up to a crying child in a school — I am sure that his teacher was handling the situation as best she thought. It was not my job to do that.

Q. You understand the child was not in the classroom, was out in the hall.

A. Yes.

Q. You could not go up to the child in the hall?

A. There were times when the teacher was with him in the —

Q. Was the teacher trying to force him or restrain him on that occasion?

A. No. She was trying to reason with him?

Q. Wasn't he in an emotional state, anger and such as that?

A. He was upset, he was very upset.

Q. Wasn't he trying to resist any effort by the teacher to make him see he was doing wrong?

A. Pardon me?

Q. Wasn't he resisting any attempt on the part of the teacher to make him understand he shouldn't do that, or he was doing wrong?

A. I think he was probably so upset that he page 678] was —

Q. Out of control?

A. Well, furthermore, I didn't go up to him. I was in the

end of the hall in school.

Q. I mean whether you went up to him or whether you did go up to him. You are telling us the truth when you say you saw him in that condition?

A. I heard him. I didn't see him.

Q. Oh, you didn't see him?

A. It is a room that doesn't have a wall. It is just divided, where I spent some time.

Q. You are testifying under oath. It is this boy?

A. I know it was he. I saw him. I did not stand there and see him.

Q. You did see him?

A. I did see him but I did not stand there watching him.

Q. But you know it was him that you saw?

A. That is right. It was Cameron.

Mr. Ferrari: Your Honor, I object to this. I think there is a little badgering of this witness. She is trying to tell us what she's seen and I think Mr. Howard is just hammering away on her in very badgering, rude manner.

Mr. Howard: Your Honor, I'd like to be heard on this. I'd like to say there, your Honor, if I am badgering this witness, it is an unintentional act. She said about Cameron —

I am just not conscious of it — I can't help my-
page 679] self. I don't know what I can do. I am only
trying to get the facts. If the Court feels I am
badgering —

The Judge: This is cross examination; of course there is a certain amount of cross-examination which is proper, it is a matter which can be extended too far, and it doesn't appear at this time that counsel has gone too far, but has spent a great deal of time upon this minor detail.

Mr. Howard: Yes, sir. Just give me two minutes and I will quit.

By Mr. Howard:

Q. Let me ask, in fear of repeating myself:

There is no doubt in your mind but that the child you saw acting as you say this child was acting was Cameron? There was no question in your mind about that?

Mary Fearon

A. It was Cameron.

Q. In what capacity were you in the school on that particular day or those days?

A. As a volunteer, sir.

Q. What?

A. Librarian.

Q. Now at that time you were still close to Mrs. *Morgan,* were you not?

A. Yes.

Q. Did you then discuss those episodes with Mrs. *Morgan*?

A. I think she knew about it. I think she was called by the office.

page 680] Q. Did you understand me, Ma'am?

A. Yes. I did understand you.

Q. All right. I will ask you this:

Did you discuss those episodes with Mrs. *Morgan*?

A. I don't think I did all of them. I may have talked about one or two. I don't remember. I know that she knew about it, felt it was not really for me to go home and tell her Cameron was crying in the school and I think if the parents — not by volunteers who really are just there to be doing a job and not report incidents like that.

Q. All right. Are you through?

A. Yes.

Q. Now can I ask you this question:

You saw and you observed these episodes. All I want is yes or no. Did you discuss these episodes with Mrs. Gorman.

A. Not in detail. I had known, because they had told me these problems in the school and I did not discuss it with her.

Q. This was back in 1963 she told you that?

A. I don't remember what date.

Q. Didn't you say these episodes occurred in 1963?

A. Yes. It was 1964 and 1963.

Q. Have you been a volunteer in 1964?

A. For two years.

Q. What two years?

A. 1963 and up until June of this year.

page 681] Q. But you now can't remember whether these episodes occurred in '63 or '64.

A. I think they occurred in '64.

Q. But whenever this occurred, as you say, you didn't bother to tell Mrs. Gorman because you knew from previous conversations with Mr. Gorman — Mrs. Gorman knew all about this behavior

A. I knew she knew about it, yes, sir.

It really wasn't any of my concern.

Q. And for how long had she told you she knew about it?

A. How long had she know about Cameron's problems?

Q. Based on what she told you.

A. Based on what she told me I think she was aware of it and was seeing people in school and this is all handled through the school *authorites.*

Q. Well, any conversation between Mrs. Gorman and yourself is not handled by school authorities?

A. No. But I am afraid we didn't rehash this sort of thing when we talked.

Q. Do you have a recollection of when you first talked to Mrs. Gorman about it?

A. No, I don't.

Q. Whether it was right after you met her or just last week?

A. It was not right after I met her. That is all

page 682] I can remember.

Mr. Howard: That is all, your Honor.

Mr. Ferrari: I have no further questions, your Honor.

The Judge: You may stand down.

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page 685]

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JAMES V. MINER

having been previously duly sworn, was called as a witness

by and on behalf of the defendant, was examined and *testied* as follows:

DIRECT EXAMINATION

By Mr. Ferrari:

Q. Will you please tell us your name, residence and profession?

A. James V. Miner, Norwalk Connecticut, pediatrician.

Q. Doctor, how long have you been practicing pediatrics?

A. I have been in private practice of —

Mr. Howard: I am willing to stipulate the qualifications, if you want me to.

The Witness: In the private practice of pediatrics since July 1951.

By Mr. Ferrari:

Q. Can you tell us briefly about your educational and professional background, Doctor?

A. I graduated from Yale, A.B., and Georgetown Medical School, medical degree.

From there I went in the Army. After a two-
page 686] year internship and after the army, took up post-
graduate studies in pediatrics.

Q. Has New Canaan always been your home?

A. No. New Canaan has never been my home.

Q. Oh, I am sorry; Norwalk.

A. I was born and raised in New Haven, Connecticut and I have been practicing in Norwalk.

Q. Doctor, would you mind briefly telling us something about the general nature of pediatrics, just exactly what your work covers?

A. In brief, pediatrics is the care of children from the time of birth usually through adolescence, up to about the age of 16 or 17.

In pediatrics much of your work is, well, baby care and prophylactic medicine, see children at periodic intervals for care and physicals and advise mothers on their behavior, both physical well being and emotional well being.

Q. Now, Doctor, do you know the defendant, Mrs. Gorman?

James V. Miner

A. Yes, sir.

Q. And do you know her son Cameron?

A. Yes, sir.

Q. And her daughter Ann?

A. Yes, sir.

Q. Will you tell us when you first came in contact with this family?

page 687] A. Right after Ann was born, which I guess was two years ago, September 1962. And I saw the Gormans every month for six months, the usual, well, baby care up until the age of a year, and then usually see him four times a year in the second year and then, of course, with Annie, she's just two now; Cameron I saw first in '62 for a school examination.

Q. And what would this consist of, a physical?

A. A general physical, that is right. And I saw Cameron again a year later, in October, I guess it was, '63.

This again was for school examination and for some problems he was having at school.

Q. Now, did Mrs. Gorman relate these problems to you or tell them? Is that how it came to your attention?

A. Yes, sir.

Q. And, if you will, will you briefly tell us what you discussed with Mrs. Gorman concerning the nature of these problems and any suggestions and advice you may have had concerning them?

A. Cameron came in to me in October '63 and this time he was having problems at school and his attitude at school, his inability to follow directions and to cooperate with the teacher.

And he was rather taciturn and somewhat withdrawn in school. Knowing the background of the situation,

page 688] I recommended that Mrs. Gorman have Dr. Ogdon, a child psychiatrist, see him.

Q. When you say background, Doctor, what do you mean by that? What history, if any, concerning the background of Cameron did Mrs. Gorman give you?

A. Well, as I recall, Cameron of course comes from a broken home, a household — in his younger years — and then he was in Virginia spending his summers.

When he came back to New Canaan in school he was dif-

ficult to handle and as I think I said before, he didn't cooperate in school. He had other signs of abnormal behavior reverting to enuresis or bed wetting, and in general being an unhappy boy.

Mr. Ferrari: Your Honor, may I see the exhibit?

By Mr. Ferrari:

Q. Now, Doctor, did you receive a report from Dr. Ogdon after Cameron and been taken there by his mother?

A. Yes.

Q. I show you this complainant's Exhibit Number 9, and ask you if you remember what that is and, if you will, if you want to refresh your recollection, read it.

Now, Doctor, you say you remember this letter, receiving it from Dr. Ogdon?

A. Yes, sir.

Q. Did there come a time after the receipt of page 689] this report from Dr. Ogdon that you saw Mrs. Gorman again concerning Cameron?

A. Yes. I, after I had received the letter from Dr. Ogdon and had talked to Dr. Ogdon, I did talk to Mrs. Gorman.

Q. Now go on, Doctor.

A. And my advice to her was that here we had a very bright little boy who was obviously confused. And I concurred with Dr. Ogdon's thinking that Cameron's *ver* lengthy visits in Virginia, where he spent all his vacation time — summer — I believe Christmas, and spring vacation — served to make this a more difficult situation because as Dr. Ogdon also said, Cameron was confused as to his real identity.

He is living in two homes and of course the most difficult time is when he comes back from Virginia and this has what I think led to his school difficulties or at least precipitated them and I advised Dr. Ogdon to shorten, or Mrs. Gorman to shorten the visiting hours in Virginia.

With that in mind, Mr. Crounse came up to see me, which was I guess about the weekend of Thanksgiving, or the weekend before Thanksgiving, as I recall, and I told this in essence to Mr. Crounse after we had a fairly lengthy visit, over an hour, I spent talking with him.

Q. And was your advice to him the same that you had

given Mrs. Gorman?

A. Yes.

page 690] Q. With respect to Annie, the daughter of the Gormans, you say now she is two years old?

A. She is two.

Q. Is she still under your care as a pediatrician?

A. Yes.

Q. In general, what is the well being or condition of her health?

Mr. Howard: Of who?

Mr. Ferrari: Of Ann, the Gorman child.

Mr. Howard: Your Honor, I don't see much point in getting into this just for the time; nobody is raising any issue about that child's condition.

The Judge: Objection is overruled.

The Witness: Of course I naturally have known Ann quite well since I have taken care of her, from birth, and she has been in the office. I have made a few house calls to the Gorman home and, parenthetically, I might add I have made some house calls to see Cameron too, and I think this is an important part of a pediatrician's, you might say care, because you don't see the family, I might say, as I say, as a unit in the house and as I said, Ann has been a very normal child with a few childhood diseases, nothing serious.

Ann has a very normal development.

By Mr. Ferrari:

Q. When you say you had also made house

page 691] visits, for Cameron, what were they for?

A. The illnesses that he had. I recall one was otitis.

And I think another one was a throat infection, pharyngitis, and I think I made two house calls for Cameron.

Mr. Ferrari: Thank you, Doctor, I have no other questions.

CROSS EXAMINATION

By Mr. Howard:

Q. Doctor Miner, by any chance did you write down the

history Mrs. Gorman gave you when she first discussed Cameron's emotionally unstable condition?

A. Yes. I wrote down the general history, as you do when you see a patient.

Q. Do you have that history with you this morning?

A. No, sir.

Q. You did not bring it?

A. I didn't think it pertinent. I can tell you pretty much what is written.

Q. I understand you said that the boy was definitely having problems in school.

A. Yes, sir.

Q. Did she relate nature of those problems?

A. Yes. These problems were brought to Mrs. Gorman's attention by the teacher at school that Cameron — do you want me to relate them?

page 692] Q. Yes.

A. That Cameron was taciturn, he didn't cooperate. He would not pay attention. He was an attention-getter. Bizarre behavior, perhaps talking out of turn, a normal practice you see in second and third graders.

I believe he would take his desk over to the corner of the room and sort of isolate himself and —

Q. Now what history did she give with relation to his behavior in the home?

A. His behavior in the home?

Q. Was it that same pattern?

A. No. As I recall, it was not the same pattern. I think the behavior in the home at that time, as I have told you, this great adjustment back from staying with his father in the summer. He was difficult to handle there and he would not obey.

Q. In other words, it would be substantially correct, from the history she gave you it was self-evident the child was having problems in school and making an adjustment at home; isn't that true?

A. I can't say yes or no to that.

Q. Didn't you just say that Mrs. Gorman, that when he would come back from the visits with his father he would have problems with them at home?

A. Right.

page 693] Q. Would you be willing to say that regardless of the cause —

A. Yes?

Q. — that she did in this history tell you she did have problems with the child in the home?

A. Yes. In the matter of behavior discipline.

Q. Didn't she tell you that actually they couldn't physically restrain him when he got into these emotional outbursts? Do you remember that?

A. I don't recall that he had outbursts so physically violent they couldn't restrain him.

Q. Yes.

A. I don't recall that. Maybe it was told to me but offhand I can't recall it.

Q. Do you recall whether or not the child from time to time would get in temper tantrums or go into temper?

A. Yes, sir. He would have temper tantrums. This is a little unusual for a seven-year-old. It is a sign, I might say, of immaturity, the temper tantrum in the normal development of a child anywhere in a child, say from 1 to 4 or 5; they are —

Q. All I want to know at this point: Is this a part of the history she gave you about Cameron's behavior.

A. The history. I recall his bed wetting, soiling, and temper tantrum, but as I recall they weren't so violent

page 694] they be controlled, couldn't be stopped.

Q. Do you have a recollection that Mrs. Gorman had reached the point where she could no longer control him?

A. I don't recall she told me that; no, sir.

Q. You don't recall it. Well, as I understand it, you yourself saw Cameron October-September 1962, pre-school routine.

A. Yes, sir.

Q. At that time there was nothing said to you about any problem?

A. No, sir; there wasn't. Nothing was mentioned.

Q. He went back to you in October 1963 for the pre-school checkup. It was then that she told you about his behavior problem?

A. Yes, sir.

Q. Did she say anything to you, if you recall, how long that

had been going on? If you don't know just say so.

A. Yes, sir. This behavior problem seemed to be worse when he first would come back in the fall from Virginia.

Now this doesn't relate to, say, it is because he was in Virginia. The point is here the boy had two homes. He was living a rather schizophrenic life, you might say.

Q. Doctor, you are a pediatrician and have been for a long period of time. That means to me you deal with families and children.

page 695] A. Yes, sir.

Q. It is nothing unusual for you to come in where either parent is remarried?

A. Yes, I do. I see perhaps more than I like to see.

Q. And if you know, would you say that in many of those cases there is always a visitation period involved between the parents?

A. Yes, sir.

Q. So isn't it correct, Doctor, that you could take the most normal child that is known to medical science and if he is away from one parent for a visitation period and if he goes back to the remaining parent, there is always a period of adjustment.

A. Yes. At the risk of being provincial, in Connecticut, the visitations, the mother has custody of the child. They are usually fairly restricted for the father.

Q. Well, Doctor, I don't know. Maybe the Court wants that, but I don't.

A. I am saying when you have such long visitation periods, especially in an age group —.

Q. Well, regardless of the period of visitation —

A. That is important. Mr. Crounse and I spent an afternoon talking about it.

Q. Well, we will get to that in a minute. Regardless of the period of time involved I believe you said when

page 696] he goes back to the other parent, there is an adjustment period he goes through?

A. Yes.

Q. How well he makes that adjustment to his home environment, that is where he goes back to; isn't that true?

A. That is right, sir.

Q. I believe you told Mr. Crounse when you talked to him

you know nothing about the internal workings of the Gorman home, how they live, how they operate; anything like that.

A. No. I told him I knew the Gormans professionally and I had of course seen both children in the home, and it was a fairly new, substantial family; not about their social life; as a family.

Q. I see.

A. Periodically. They seemed quite solid.

Q. When you went to their home did you go professionally or socially?

A. No; as a professional.

Q. Could you indicate to the Court how many times you made a professional call in the year 1963?

A. I can tell you about this. I went over this before I came here.

In the fall of '63 I saw Cameron twice at home. And I saw Annie about the same number of times. I saw about four times.

page 697] Q. You saw Cameron twice during 1963 at home. Would you have a recollection, between Connecticut and Virginia, do you make day calls, night calls, both?

A. Yes.

Q. Do you happen to remember whether you were in the home at night?

A. I was in the home at night twice; once for Cameron and once for Ann.

Q. Do you remember whether both Mr. Gorman and Mrs. Gorman were there?

A. Yes, sir. One time, well, twice I went out there to see Cameron, one time when Mrs. Gorman was home. The other time I went out both were home and I think both house calls were — and one time Mr. Gorman was away.

Q. Well, would it be a fair statement you went there, of course, to determine what was wrong with the individual child? You did see Ann, talk with that child. Were you satisfied with your —

A. Usually specially night calls.

Q. Now you did, as you say, discuss this matter with Mr. Crounse, did you not?

A. Yes. I discussed Cameron's well being at some length.

Q. Would you say that based on that conversation you got the impression that Mr. Crounse was definitely

page 698] interested in the welfare of his child?

A. Certainly.

Q. And wanted to do that which was right and best for the interest of his child.

A. That is what he told me.

Q. And actually, Doctor, isn't it correct what Mr. Crounse was trying to determine is whether *of* not his wife's feeling about the length of visitation being partly responsible for Cameron's condition, was he not attempting to find out from you if that was correct?

A. Yes, sir.

Q. And isn't it also true that you of course told him you could not give a definite answer on that?

A. No. I was fairly definite with Mr. Crounse. I mean, I felt that Cameron's visiting to his father should be sharply curtailed. I don't think there was any dispute with Mr. Crounse and I on that matter that his visiting at Christmas time and spring time and summer, he should have more time to be with his mother.

Q. The first time you had any reason to believe that Cameron was having any emotional problems was in October of 1963?

A. Yes, sir.

Q. At what time, how long had you known Mrs. Gorman?

A. As I recall, it was a year. I first saw him in

page 699] September '62.

Q. So you had then known her a year, and I repeat, she made no complaints to you about Cameron's condition before October of 1963?

A. No. I wouldn't say that. This thing more or less came to a head at that time. In other words, Cameron's activities in school were getting so we had to do something. I mean, these things just don't pop. Mrs. Gorman had told me before, I think, when he was in the first grade — in the first grade I think he was having some trouble, too, but we didn't go into it deeply.

Q. Well, let me ask you this and see if I misunderstood you, Doctor.

I understood you to say the first time you ever saw

Cameron was in October '62, routine school checkup.

A. Yes.

Q. I understood you to say she had something —

A. No. This wasn't brought up at that time.

Q. You didn't see Cameron again until October of '63.

A. I told you I saw him on house calls.

Q. That was in '63?

A. '63. And I saw him on a house call in '62, I guess about three times. Maybe more. It was two or three times.

Q. Prior to October of '62?

A. Prior to October of 1963.

page 700] Q. You saw him in October 1962. No complaints at that point?

A. No complaints.

Q. Now then, can you tell us, you don't —

A. I made two or three house calls that following year between that school year '62-'63. These house calls we did not discuss his school problems. However, as you know, in pediatrics half of your practice is over the phone. You get calls from parents about minor things, questions and Cameron's rather anti-school behavior had been brought up a couple of times.

Q. Could you indicate the first time it was brought up?

A. No, I couldn't indicate, because these were usually conversations without Cameron.

They were casual and would be brought into the office for a checkup.

Q. Would it be correct they weren't sufficiently significant to you that she bring Cameron in to see you?

A. Yes, sir.

Q. So that the first time that the complaints had any significance as far you are concerned was in October 1963.

A. That is when I said it had come to a head. A crisis had arisen and something had to be done.

Q. Do you know how many summers that Cameron had spent with his father prior to October 1963?

page 701] A. I imagine quite a few. He is only 7.

Q. Dr. Miner, you referred Mrs. Gorman to Dr. Ogdon?

A. Yes, sir.

James V. Miner

Q. And I assume of course you feel she is a qualified psychiatrist?

A. Excellent.

Q. And you are perfectly willing to adopt any diagnosis or findings she makes of any of the Gormans, including Cameron; is that correct?

A. Oh, yes. I think her diagnosis of Cameron is fairly correct.

Q. Well, you read this letter?

A. That is right.

Q. Well, would you concur with everything that Dr. Ogdon has said in this letter affecting the Gorman family?

A. Pretty much so, I would say.

Q. Would you want to point out —

A. We do disagree in some areas, I believe.

Q. What would they be?

A. Let me see the letter. Psychiatrists and pediatricians don't always agree.

Q. Beg pardon?

A. Psychiatrists and pediatricians.

Q. Lawyers don't agree, I know.

A. Well, just a minor opinion on Cameron:

page 702] "Is hostile and cannot trust people and especially afraid of males."

Now, this, as I say, is something that I would ask Dr. Ogdon why she got this opinion on him after this interview.

Q. You say you would have asked her?

A. I would have.

Q. Well, did you ask her?

A. No. I didn't ask her. This is just an opinion, an opinion or point.

But in general I agree with her.

Q. All right. Dr. Miner, when did you next see Cameron after October 1963? Would your records reflect that?

A. Yes, sir, they would.

Q. But you don't have those records with you today?

A. No, sir, I didn't think it was necessary.

Q. Well, you knew you were coming down to testify about the child's condition?

A. Yes.

Q. You knew you would be asked a lot of questions about the child?

A. Yes.

Q. But you didn't think it was necessary to bring your records.

A. No.

page 703] Q. Well, I am asking with that when did you next see him after October 1963.

A. I saw Cameron in the office just about the time Mr. Crounse came up and this was for a more or less sick call. He had a cold or —

Q. If Mr. Crounse said it was November, would you accept that?

A. Well, about that time.

Q. When did you next see him after November 1963? Cameron I mean.

A. Yes. I saw him on some sick calls. That is all. I don't recall just exactly.

Q. Can you tell us whether they were after November 1963?

A. It was after November, yes.

Q. You don't know whether it was once, twice?

A. It wouldn't be for a general checkup because he had already had it and I am sure I saw him.

Q. You say you didn't see him after October of 1963 for any emotional situation? You referred him to Dr. *Ogcon*?

A. That is right.

Q. Now, you wrote a letter, I *believ,* in June of 1964, did you not, "To Whom It May Concern;" is that your letter?

A. Yes, it is.

page 704] Q. How did you happen to write that letter, Dr. Miner?

A. Let me read it first.

Q. Oh, I am sorry.

A. I wrote it over, it is actually just what it says, recommending that Cameron's Virginia vacation time be curtailed there.

Q. How did you happen to write this letter? Who asked you to write this "To Whom It May Concern?"

A. The attorney at Cummings and Lockwood, I believe.

Q. Was attorneys in Connecticut?

A. Yes, sir.

Q. They contacted you by telephone?

A. Yes, sir.

Q. Just tell us what they said in reference to writing it.

A. They asked me to write the letter for his benefit.

Q. For whose benefit?

A. The attorney's.

Q. In other words, he told you he wanted a letter from you that would include an opinion that visitation period, reduction of visitation period be sent to him?

A. Yes, sir.

Q. Did he tell you you'd have to come in court as a witness?

A. I was afraid I might.

Q. Did you get the general idea?

page 705] A. That is not what got me down *her*.

Q. I know, but did you get the general idea from talking to this attorney up in Connecticut into court and say what you said in that letter?

A. Surely. I realized that this might come to a court hearing at the time I —

Q. But you didn't expect to come to a court in Virginia, did you?

A. I certainly was hoping not.

Q. Did you expect to go to court in Connecticut?

A. I would be much more at home, sir.

Q. Your concluding paragraph says this confusions to his own identity might be ameliorated if we allowed him to spend more of his *leasure* time with his mother at home.

And this is definitely your professional opinion?

A. Yes, sir.

Q. I will ask, you cannot say with reasonable medical certainty that the visitations periods with his father are responsible alone for this condition, can you?

A. I believe I said in my letter it aggravates rather than ameliorates.

Q. This would be something in the form *oftreatment* if the visitation periods can be reduced. A way of treatment — It would help to —

A. It would help. Let me just say one thing.

page 706] When you have a child of divorced parents, the mother, in a matriarchal society — for example,

here I have ten children. I am a doctor. *When* my children get hurt do they come to me? No. It is the mother. If they have a sliver in their finger they want mother to take it out and of course she does a better job than I do but this is the whole crux.

Q. You think generally speaking the mother should have the child?

A. Professionally I see it too frequently from broken homes, and I think if the child is left with the mother with fairly strict visiting rights by the father then I think the child, the children do better.

Q. Suppose I told you there is evidence in this case that in the Gorman home where the child has been living, there is testimony that Mrs. Gorman on many occasions would become emotionally upset?

Mr. Ferrari: Your Honor, I will object to that question. Mr. Howard is putting things to the doctor that it is assumed are in the record or conclusions of his from the evidence and I don't think this is a proper question to be asking the doctor.

Mr. Howard: Your Honor —

Mr. Ferrari: If he wants to phrase a hypothetical question that is one thing.

Mr. Howard: Your Honor, I prefer to try to
page 707] state what I believe to be the testimony. Of
course if I am wrong, the Court will correct me.

I'd like to start the question.

The Judge: Are you proposing a hypothetical question on the basis of the —

Mr. Howard: On the basis of the evidence.

The Judge: Let's hear what it is.

By Mr. Howard:

Q. Dr. Miner, if I told you there has been testimony in this case that in the Gorman home on occasions nothing is said about how many times and occasions Mr. Gorman would become angry, he would throw things, he would kick things around and that Mrs. Gorman would become disturbed to the point where she would raise her voice on occasions?

A. Is that all?

You ought to come in my house on a rainyday, my wife does a lot of voice raising.

Q. Beg pardon. Do you have any emotionally unstable children?

A. God, I hope not.

Q. Well, *Idon't* know. You brought it up.

The Judge: Let's not have discussion.

By Mr. Howard:

Q. Let me ask you this:

page 708] Assuming that the evidence in this case further shows that Cameron is definitely, or was, anyway —

A. What are we assuming?

The Judge: Doctor, you just let counsel finish his question.

Mr. Howard: I am going to start once more.

If I can't make it I will quit.

By Mr. Howard:

Q. Dr. Miner, as far as I am concerned this is serious. I assume it is serious to you, nothing *humerous*.

A. That is right.

Q. If you don't understand me, please ask me. I am asking you this:

Assuming that there has been evidence in this court that as of June 1964, Cameron was a very emotionally disturbed child; that his mother also had problems which she was trying to overcome; that Mr. Gorman on occasions would become angry and either throw things or kick something; and that Mrs. Gorman on occasions would become disturbed or would raise her voice.

I am not going to enlarge on it.

A. Yes?

Q. Raise her voice.

Now I ask you — of course you are not a psychologist or

psychiatrist, but as a pediatrician, would you
page 709] think it good for an emotionally disturbed child
to live in an environment like that?

A. Put it this way:

Assuming this is an occasional happening and I see a lot of this. I would certainly not say that outweighs the maternal-child relationship.

Q. In other words, it would depend on the frequency of these episodes; isn't that correct?

A. No, more than that, sir.

Q. What?

A. More than that.

Q. What, in addition would it depend on?

A. I don't think occasional temper tantrums on the part of the mother are going to jeopardize a child's instability because we all know too well this happens in most families.

Q. Suppose it is apparent, of the behavior in the home. Would you still say you don't think it would have any effect on an emotionally disturbed child?

A. These things have a way of counterbalancing each other.

Dr. Richardson, in studies on the family, in New York, on the going into a family and picking out, trying to correct one parent's or one child's behavior or emotional instability, finds when that is corrected, other things fall apart in
the family, so this is a very difficult thing to
page 710] *to* say yes or not to.

I wouldn't venture to say this is bad. Naturally it is not good. We can't all be living by the cool light of reason. Most of only do about ten per cent of the time, and I don't think that emotional outbursts by children are unnatural.

Q. I still ask you if this was a pattern of the behavior in the home, would you still say that in your opinion as a pediatrician would not have any effect on an emotionally *distrubed* child.

A. Well, if I saw a family — I am not talking about this particular family — where you have an unstable father, unstable mother and children who are often confused, and you

might say, well motivated, even though they have the ability to be, it would be very difficult for me to recommend that these children be sent to a boarding school just because of immaturity of their parents.

Q. Well, let me ask you this: Mrs. Gorman in her answer has said that this condition first became apparent to her in December 1960.

Mr. Howard: Is that right?

Mr. Ferrari: I will give you the pleadings, Brooke.

By Mr. Howard:

Q. She said on December 4, 1961 that she had observed symptoms in this boy which to her indicate he was

page 711] having emotional problems. The medical testimony in this case shows that that situation has continued for four years.

I won't attempt to elucidate whether it's got any worse or any better, but it has existed for four years, during which period of time the child has been in the Gorman home, with the exception of the visitations or visits made to the father.

Does the visit while living in the Gorman home have any significance as far as you are concerned?

A. It has some significance, yes. This is the whole crux of the dispute, I think. The crux of my letter.

Q. All right, Doctor, that is all I wanted to *her*.

A. Could I finish?

Q. Oh, I am sorry. I thought you were through.

A. Because of children's inability to adapt to a changing environment. Naturally, if this thing continues with these very liberal visiting rights, these emotional problems — each time Cameron returns to his home, the situation is going to be more explosive.

Q. Let me ask you this:

If this child Cameron was returning to a *hom,* happy home, where there was congeniality between the parents and no problems at any time, are you willing to say it would be much easier for Cameron to make an adjustment in a home of that type than it would with conditions such

page 712] as I have related to you?

Robert C. Erb

A. (No response.)
Q. Let me ask you this:

Would you say it is important for an emotionally disturbed child to make an adjustment in normal surroundings as opposed to abnormal surroundings?

A. Yes. Naturally, it would be easier if you had no adverse environment.
As I recall, and as I told you, I thought the environment in New Canaan was quite solid.

★ ★ ★ ★ ★

ROBERT C. ERB
having been previously duly sworn, was called as a witness by and on behalf of the defendant, was examined and testified as follows:

DIRECT EXAMINATION

By Miss Harrison:
Q. Mr. Erb would you state your name and your residence?
A. Robert C. Erb, New Canaan, Connecticut.
Q. How long have you resided there, Mr. Erb.
page 713] A. Since November 1956.
Q. Mr. Erb what is your present occupation?
A. In May of this year I retired as president of the Melville Shoe Corporation, and currently I am employed by them in an advisory capacity.
I am on their board of directors. I am Chairman of the Finance Committee. I am Manufacturing Division and the Blue Ridge Shoe Company in North Carolina.
Q. Q. Prior to your present term, what was your occupation?
A. I was president of Melville Shoes since '56.
Q. Now, sir, are you acquainted with Mr. and Mrs. Gorman?
A. I am.
Q. How long have you known Mr. Gorman?

Robert C. Erb

A. I have known Mr. Gorman since 1948, at which time I was president of the J. F. McCall General Company operating ten shoe companies in New England and I was liaison between the manufacturing division and the parent Melville Shoe Corporation.

Mr. Howard: He was asked how long he has known the man. I don't really think it is necesssary to go into all these details to see how long he has known him.

The Judge: Objection overruled.

page 714] By Mr. Ferrari:

Q. How long have you known Mrs. Gorman?

A. A little over three years.

Q. Now, sir, you know Mr. Gorman in a business and professional capacity, I believe you stated. Are you in a position, sir, based upon your knowledge of him for this period of time and of his work in your company to give this Court your opinion of his general reputation in the business and professional community, of which you are both members?

A. Well, his reputation as a businessman — a man responsible for advertising, public relations, preparation of store window trims is excellent. He is considered tops in his field, in my opinion, and I think this is probably best borne out that two years ago the gentleman who then occupied the position that Mr. Gorman now occupies had a shock and there was no hesitancy at all on my part to tell Mr. Gorman that until we knew better — the future of this stricken gentleman was in doubt — that he was in charge of this department of the Thom McAn Division — Melville is a divisionally organized company, Melville Shoe is the parent — *Tom* McAn Shoe Company is a retail division operating approximately 900 retail stores throughout the country.

Miles Division operates some 300 retail stores throughout the country and the position which Mr. Gorman was substituting on was responsible for all of the Thom McAn

page 715] advertising, sales promotion, window trim, public relations.

The gentleman who had the shock died within a year and Mr. Gorman was immediately appointed as his replacement and made a vice president of the Thom McAn Shoe Company.

Elsie Erb

Q. Now, sir, are you related to Mr. and Mrs. Gorman by blood or marriage?

A. I am not.

Q. Do you, sir, have a personal interest which would be affected by the outcome of this litigation?

A. I have no personal interest. I am interested but I have no selfish interest.

CROSS EXAMINATION

By Mr. Howard:

Q. Mr. Erb have you ever visited in the Gorman home?

A. I have, sir.

Q. How long ago?

A. Oh, I think my last *fisit* was probably in the spring of this year. I would say that during the past three years since the Gormans lived in New Canaan that I have been in their home or they have been in my home 15 or 20 times.

Q. Do you know Cameron?

A. I have met Cammy.

Q. More than once?

A. Yes. I would say that on ten or a dozen times I was a commuter to New York during the period of the page 716] last three years until May and my opportunity for visitation was weakened but I would say I have seen Cammy in my home or in their home ten or twelve times.

Mr. Howard: All right.

Miss Harrison: No further questions.

The Judge: You may be excused.

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ELSIE ERB

having been previously duly sworn, was called as a witness by and on behalf of the defendant, was examined and testified as follows:

DIRECT EXAMINATION

By Miss Harrison:

Q. Mrs. Erb would you state your name and your residence?

Elsie Erb

A. My name is *ELsie* Erb.

I live on in New Canaan.

Q. How long have you resided there?

A. Almost exactly eight years.

Q. Mrs. Erb, what is your occupation?

A. What is called housewife, for lack of a better term.

Q. Have you always been a housewife?

A. No. Until eleven years ago I was employed by a business in Boston.

page 717] Q. Would you describe that, please?

A. Well, I have been in business for twenty years, the last fifteen of which were with the Investment and which is a financial investment counsel firm, one of the first in its field.

I was in the home office in Boston in the counseling department at the time I resigned. I was counseling on approximately 35 individual investment portfolios.

Q. Now, Mrs. Erb how long have you known Mr. and Mrs. Edward Gorman?

A. I have known Mr. Gorman for probably ten or eleven years, since I have, since I was married to Mr. Erb and became acquainted with him through business *conndtions,* and I have known Mrs. Gorman for the three years they have been married, and a little before that.

Q. Mrs. Erb are you active in the affairs —

A. Probably too much so.

Q. Could you described some of those, please?

A. I have been in the League of Women Voters, and officer and worked on international affairs under the agenda of that group.

I have worked for the Red Cross in fund raising activities in New Canaan.

I have worked with two of the garden clubs.

I have been the local representative for the page 718] CARE organization.

I am working with the Visiting Nurse Association at the present time; the New Canaan Nature Center, which is just getting off the ground; and is an exciting activity in the community.

I guess that is enough.

Q. All right. Thank you.

Elsie Erb

Now, Mrs. *Erbe*, do you have — are you related to Mr. and Mrs. Gorman by blood or marriage?

A. Not at all.

Q. Do you have any interest in the outcome of this litigation?

A. Only a personal interest.

Q. Now how frequently have you seen and visited or talked with Mrs. Gorman, let's say in the last, well, since you have known her?

A. Oh, probably on an average of twice a month. I have seen Mrs. Gorman either in her home or in mine, and then there are those innumerable telephone conversations that we ladies have.

Q. Now, as a personal and close friend of Mrs. Gorman, have you had the opportunity and chance to observe the defendant here, her demeanor and her manner, the way in which she has conducted herself in both, in the home and in everyday life, and if so, will you give us your

page 719] opinion and impression?

A. Well, I certainly have been in her own home, which is all five of them.

Her home is always attractive and neat and she seems to be organized, calm, always a gracious hostess under all circumstances and delightful home to go into, always something of interest going on.

And one of the more enjoyable homes that I do go into as a matter of fact. When she comes to my house she is always equally gracious, charming, calm, whether or not the children are with her.

Q. Now Mrs. Erb, you are familiar with the tragedy of the fire which occurred to the Gorman family.

Can you describe, please, Mrs. Gorman's attitudes and reactions to this occurrence to the family?

A. We were all amazed that Mrs. Gorman went through this great tragedy with the equanimity with which she did. I don't know how many times Mr. — my own husband and I, or the other friends — no one ever heard a word of complaint or self-pity. They rose to the challenge, both of them, really, and were extraordinarily brave about the consequences of the fire.

Q. Can you relate that since the beginning, say January

of this year, and if so, would you describe that?

A. Well, of course, the fire was only the beginning. After that they had to pull themselves together, find
page 720] clothes, to live in, because everything was burnt up, and I must say that their New Canaan and vicinity friends were about as quick to respond as anything could be, with anything they could possibly do in a camping-out life that they had to do until they could get established again.

They came in a vast variety of costumes from all of the families, friends, and their own clothes and children's clothes for Cammy and for Mr. and Mrs. Gorman, and after the fire, there was held what was called a fire shower that was given for them at which was probably a hundred people, all devoted, admiring friends that these people had done so well through such emergency action to help, but the spirit of the party was more important than anything else, because it was really a great admiring group of people.

Then of course after the fire they moved from one house to another to another, which is no fun for anyone, I can tell you, and then the disappearance of Cammy was very upsetting to Mrs. Gorman this summer.

Mr. Howard: What was that, Ma'am? I didn't understand. You said something about being upsetting.

The Witness: I said the disappearance of Cammy was upsetting when he disappeared from the house on Long Island.

But she carried through this, too, and then had the operation on her wrist, which turned out to be more of
page 721] a problem than had been anticipated and we all felt did amazingly well in keeping her equanimity under these circumstances.

By Miss Harrison:

Q. Now Mrs. Erb, in your community, being active in your community, relating to the other members of the community, can you give this court the general reputation of Mrs. Gorman within the community which you live in?

A. Well, of course prior to the fire she was one of our appreciated and enjoyed newer comers to New Canaan but *singce* they went through all these disasters and tragedies so

well I think her reputation is an especially high one because so many people are aware they have had so many problems and withstood them so well and she really has the admiration of a large number of people in the community.

CROSS EXAMINATION

By Mr. Howard:

Q. She has had many problems very recently?

A. I beg your pardon?

Q. Did I understand you to say she has had many problems very recently?

A. She certainly has had more difficulties than the ordinary person in the last year, yes.

Q. In your opinion, her reaction to the fire was such that it caused comment as to how calm she was about the whole thing?

A. She was; calm is not exactly the word I
page 722] intended to use. She was very brave and very
strong about it.

Q. Did you know that she was having any difficulty or problems with Cammy?

A. Certainly.

Q. When did you first know that?

A. We have known that Cammy had difficulties probably as long as we have known them.

Q. How long have you known them?

A. As long as they have been in New Canaan, which is three years.

Q. Well, did you know this through things which you yourself saw, behavior pattern of Cammy?

A. I would not have been able in the beginning to say it, that this was a particular problem.

I have no children of my own. Not that aware of children's behavior problems. He's to me seemed like a very active, intelligent, interested little boy. They are never good all the time and they are never bad all the time, comparing him with my own grandchildren, just like any child.

Q. I don't want to misquote you but I did understand you to say that you at one time knew that Cammy had problems.

Elsie Erb

A. Surely.

Q. And did you reach that conclusion as a result of what you yourself observed?

A. As I say, in the beginning I would not have
page 723] understood that there was any particular problem. As we got better acquainted with the child and saw living patterns, observation would indicate that he did at times react differently than at others.

Q. What did you personally observe that he did act differently from other children?

A. This is so involved with conversation that I wouldn't — if you want me to say any particular time that I saw the child behave differently —

Q. No, I was only — you said you saw — I understand you to say you saw certain behavior on the part of this child that made you conclude that he was having problems.

A. Sometimes he was very calm, normal, easy to be with, and other times more upset.

Q. How would it manifest itself?

A. Oh, children fuss more, tease more, want to do, not want to do — I have never seen Cammy have a real temper tantrum as I have our own granddaughter. I have never observed that.

Q. Did you think this behavior you observed on the part of Cammy was different from the behavior of other children you have seen?

A. At times, yes.

Q. There you have assumed —

A. I have seen him in his own home and I have
page 724] seen him in my own home.

Q. What, if anything, would Mrs. Gorman do to correct the situation?

A. Speak quietly to him, which was always effective. Never seen him disciplined in any noisy, threatening fashion whatsoever.

Q. Pardon me. You can't remember when you first started to observe this behavior?

A. No.

Q. It had to be, of course, within the three-year period that you have known Mrs. Gorman?

A. Certainly.

Q. And that continued on for what period of time?

A. What continued — I am sorry.

Q. This behavior — for what period of time did it continue?

A. Well, off and on, the child, as I have seen him — he seemed — as I say sometimes he is good and sometimes not so good.

Q. In other words up until you last saw him this behavior of Cammy continued?

A. Yes.

Q. Did you ever discuss Cammy with Mrs. Gorman?

A. Discuss, in what way?

Q. About his behavior, any trouble he was
page 725] causing them, any trouble they were having with
him.

Miss Harrison: Your Honor, I hesitate to interrupt. This is considerably beyond the scope of the direct examination, the purpose for which this witness was called, and I object to the present continuing line of questioning for that reason.

Mr. Howard: Your Honor, I am just about through.

The Judge: Objection overruled.

Miss Harrison: Exception.

By Mr. Howard:

Q. Did Mrs. Gorman ever discuss with you the problem that she was having with her son Cammy?

A. Yes. We have talked about it.

Q. Well, could you not try to pin down by month? Do you recall when she first started talking to you about it?

A. No, I can't recall. It is certainly for a year or perhaps two, it's entered into our conversations.

I am not anyone that anyone comes to with problems of their children. I am not expert or experienced but we have discussed it in general.

Q. Well, you were all pretty close friends?

A. That is right.

Q. You say she is well thought of in New Canaan. That *indludes* you, does it?

A. Yes.

page 726] Q. You think very highly of her?

A. Very highly.

Q. You certainly have some interest in her and her welfare?

A. A great deal.

Q. This was true from the —

A. More recently I have gotten to know her better.

Q. How recently?

A. As I have gotten to know her, I admire her more.

Q. Has that been *beforethe* fire?

A. Of course we have all admired her more since this great series of disasters that have happened, but always I have had a high regard for her.

Q. I assume you had some interest: How she was getting along with her own children.

A. Certainly.

Q. And I believe you have testified she did discuss Cammy's problems with you.

A. Oh, in a superficial way.

Q. How superficial; just tell us how far she went with you telling you about his problems.

A. Well, I am aware that he has been for sometime in their calm —

Q. In their what?

A. In their calm, quiet home; he's behaved in

page 727] a more orderly fashion and been an easier child to live with than he may have been when he returned from visits with his father.

Q. Now you say you are aware of this. What I'd like, just what did Mrs. Gorman say to you, if anything, the child was creating in the home?

A. He's been probably high strung, nervous, easily upset, reacted. Perhaps not as agreeably in day to day happenings at that time.

Q. And did she say anything about her ability or inability to control her own child?

A. There never has been any question of her inability to hold her child.

Q. What was that?

A. There is no — she is perfectly able to control her child.

Elsie Erb

Q. I am not saying that. I only ask you if she ever discusssed that subject with you.

A. No.

Q. What did she tell you, she had behavior —

A. And there have been in school —

Q. And in school also. Now, do you recall when she told you these behavior problems started in the home?

A. This has always been related to my mind to the child's visits to his father.

page 728] Q. Yes, Ma'am, I am sure it's been, but I only want to know this: Again, based on the conversation that you had with Mrs. Gorman when did she tell you this behavior pattern started in the home?

A. I don't remember that it's ever been otherwise.

Q. You mean it is always in it, within the home?

A. Are you differentiating between the home and the school, in any other environment? I don't quite understand you.

Mr. Howard: Your Honor, I will be through in just about two minutes.

By Mr. Howard:

Q. You have discussed the behavior problem in the home with Mrs. Gorman; is that correct?

A. That is correct.

Q. And you already told us what she told you about the behavior problem in the home.

A. Yes.

Q. Now can you tell me this: When did you first talk with Mrs. Gorman about the behavior problem in the home?

A. No, I cannot tell you when I first talked to her about it.

Q. Could you even do it on the basis of what year it was?

A. I would guess that it was probably last year, meaning 1963. I don't know.

page 729] Q. Now just roughly, do you remember the number of times you visited and you remember everything else in pretty good detail: How many times since the first time has she discussed that same behavior problem with you?

A. Half a dozen at the most.

Q. And when was the last time she discussed it?

A. Well, it would have been early this year, because *hs* hasn't been there.

Q. He hasn't been there since when?

A. He hasn't been there since the end of the school year.

Q. That would be June?

A. Yes.

Q. You mean sometime prior to June?

A. Sometime prior to that. I would guess it might have been eight, well, it might have been quite early in the year, because we were away.

Q. And the problem existed, as you say, when you last saw Cameron in the home?

A. Yes.

Mr. Howard: Your Honor, just one second.

That is all, your Honor.

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page 730]

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ANEEN PARKER GORMAN,

the defendant, having been previously duly sworn, was called as a witness in her own behalf, was examined and testified as follows:

DIRECT EXAMINATION

By Mr. Ferrari:

Q. Tell the Court your name, age and residence, please.

A. Aneen Parker Gorman. I am 29, and I live presently at 738 Weed Street in New Canaan, Connecticut.

Q. And you are married to whom at this time?

A. Edward Gorman.

Q. And were you married previously?

A. Yes.

Q. To whom?

Aneen Parker Gorman

A. To Donald Crounse.

Q. And how many children do you have, Mrs. Gorman?

A. I have two children. I have a son who is seven and a half, by my first marriage, and I have a little girl, just over two, by my present marriage.

Q. What are their names?

A. Cameron is the little boy, and Ann.

page 731] Q. Now, directing your attention to June 30, 1964, will you tell us what, of anything unusual nature, occurred that day.

Mr. Howard: Well now, your Honor, I think I should interpose an objection at this point to that question.

I believe we have already made it plain to the Court that the primary question in this case is one of emotional instability that would constitute unfitness.

I have no real objection to the question because I guess I can honestly say that it would be well to bring it out, but I thought that the Court indicated it was not interested in anything about the circumstances under which the property settlement or agreement, custody agreement, was entered into or anything connected with it except as it might apply to the emotional instability of this lady.

Mr. Ferrari: Your Honor, —

The Court: Objection is overruled.

The Witness: On June 30, two days before Cameron was to go to his father's for the month of July, I was in the kitchen fixing supper and our teen-age helper was out in the back yard with Annie and Cam came in and asked me if he could do a little work around the yard. He was saving up for something and he wanted to earn a little extra money, and he said if he clipped all around the fence post and racked the stones in the driveway and if he got

page 732] a little more money — I said, yes, that would be fine.

He had been doing this job. And so he went out into the studio and got the clippers and the rack and I stayed in the kitchen and I think it was probably about a half hour later when I called everyone for supper and Cammy did not appear.

Aneen Parker Gorman

And I called and went up the street where there were some other children and down the street where there were some other children and asked all around and Cammy was just nowhere to be found, and Connie, our teen-age helper, got on her bike and rode all over town, over our end of town.

We checked and his bike was there, so we knew he hadn't gone on his bike, so we figured he couldn't be too far and she came back and I had first thought the children across the street were playing games and hiding Cammy and I finally talked to them and talked to the maid and there definitely was no question in my mind any longer, he was not there, nor had they seen him for some hours.

At that point I called the police. I became very worried. I just couldn't imagine what had happened. I had absolutely no inkling at that point and I talked to the police on the phone and they came right down and I gave them a detailed description of Cameron and where he was last known to be and they just went off and started searching for him and I went back in the house, called a friend on the other side of town or quite some distance, because she had page 733] three little girls that Cammy played with, and it occurred to me that it was just possible he might have headed in that direction. It seemed unlikely. Cammy had never gone off this way. I think probably it was about two hours after I first started calling Cammy or maybe two and a half hours, I don't remember what time. It occurred to me that because this had happened before with Cammy even though as far as I knew, our plans were all made for Cammy's summer visit.

As a matter of fact, his suitcase was half packed in the living room where I had been doing, I had talked to Cameron's father the night before on the phone and he had told me that he had signed an agreement and it was on the way to my lawyer's office and that he was going to post $1500 *wit* the Court in the morning and Cammy was going.

This was a Monday. Then Cammy was going to be sent down Wednesday or Thursday. So it didn't occur to me for a long time but then suddenly I thought, since I couldn't explain his disappearance in any other way, I thought this might possibly be the case.

Aneen Parker Gorman

So I put in a call to the Crounse home in Fairfax and Sandy Crounse answered and I told her that I was absolutely frantic because Cammy had been missing for then, I guess maybe three hours, and asked her if she knew anything at all about anything that might have happened to him and she hesitated for a while.

page 734] And I guess she realized how worried I was and she said well, as a matter of fact, I do know that Donald was planning on coming and picking up Cameron in East Hampton today. So I guess I said why, or what other thing's wrong or something, and she said she couldn't discuss it with me and I realized of course she couldn't and I said all right, Sandy, and I hung up.

And then I called up the police and they came by the house and I told them what had happened and we of course recognized that there was nothing we could do about it, that it was the child's father.

And we didn't know where he was or how he was traveling or anything, so that ended the search.

Then at about 9:30 that evening, the phone rang and Cameron's father Donald was calling to tell me what he had done and I asked him where he was and he wouldn't tell me of course, and I asked to speak to Cammy and he permitted me to speak to Cammy and he put Cammy on the telephone and I just said to Cammy, "Well, golly dear, I *amsorry* you don't have your clothes" and "I will send them to you" and "I am sorry I didn't get a chance to say *goodgye* to you, but I hope you will have a very nice time."

And I think the child was, his voice was a complete monotone, there was no expression in it at all.

He sounded very unlike Cameron. I think he was pretty shocked.

page 735] Q. Well, now, you know that Mr. Crounse petitioned this court for the sole custody of your son?

A. Yes, I do.

Q. You are asking for the sole custody of your son also?

A. Yes, I am.

Q. And you have permitted or you wish to permit the full examination of you as a person, personality, and your life to be given to this court for that decision; is that so?

A. That is right.

Aneen Parker Gorman

Q. You are aware of the magnitude of this pending proceeding, are you?

A. Yes.

Q. Well, with the awareness of the fact and the magnitude of this hearing you made a decision to have this case fully heard, all facets of yourself as a mother.

I would like you to tell the Court why you have done this.

A. It is my—

Mr. Howard: Just a minute. I don't know whether I understood the question.

In other words, your Honor, I'd like to have, as you might say, the purpose of the question asked, why she has filed a petition asking for custody.

Mr. Ferrari: I believe so. The question is evi-
page 736] dent, Mr. Howard.

Mr. Howard: I didn't completely understand it.

The Judge: It seems to me the question is too broad—it opens up too broad an avenue; just possible comment by the witness, and let's ask her some definitive questions.

By Mr. Ferrari:

Q. In your own words, Mrs. Gorman, will you describe for the Court, within the last three years, the type of child Cameron has been with you in your home.

A. Yes. Cammy is a wonderful child and a wonderful little person. He has the capability and is often a very rewarding and happy and interested and loving child. He has, unfortunately, a great many problems—

Q. Well, tell us what problems that you have observed. What are these problems, Mrs. Gorman?

A. Well, Cammy is confused, I believe. He has a great deal of difficulty sorting out four parents, and whose advice and direction he must follow, and whose love must—he wants to love us all and he is torn, I think it is quite possible for him to love us all and I think that is just the way it should be, but I feel the extent of his being uprooted, the number of times he is uprooted and the length of the particular summer visits give him added difficulties that, on top of all that, he is trying to cope with in his little life have made very difficult for
page 737] him. He rebels, he rebels against authority at times; he tends to overreact emotionally to small stimuli, minor things that don't seem very important at the time.

It is a culmination of all the stresses and strains, the confusion that must be going on in his mind as to where he belongs

Aneen Parker Gorman

and "Who am I," "Who is my mother and my father," what voices of authority do I listen to" and "Who is right and who is wrong" and "Where is my life," "Where is my home."

These things are so apparent to me as a mother, I am sure certainly they were not apparent to me right along; this is something gradually and increasingly I became aware of.

Q. You mean as Cammy grew older?

A. Yes. I must say in all innocence certainly when I signed the joint custody agreement—

Mr. Howard: Your Honor, she agreed to this visitation. I don't want to keep jumping up. We were not going into the circumstances under which it was signed. I have no objection provided the Court will let Mr. Crounse rebut anything we feel is proper to rebut, anything which, circumstances under which it was signed—

By Mr. Ferrari:

Q. Mrs. Gorman, please confine yourself to Cameron since he has been with you in 1961.

A. I am sorry, yes.

Q. Now you have talked about these problems page 738] you have observed, seen develop in Cameron?

A. If I may add—

Q. Before you do that, Mrs. Gorman, did you seek help?

A. Yes; not right away, because—

Q. Why didn't you right away—I mean, what made you decide that you needed to have some help and what kind of help?

A. Well, I had been aware of certain problems that Cammy had and I wasn't sure for a couple of years or for several years if they were merely stages he was going through and they would iron themselves out.

It was really after the pattern of the school performance for three years and his performance at home became so apparent that I could no longer *ignor* it if indeed I wished to or avoid doing, I just had to do something last fall, because Cammy was reacting in school badly—he was a discipline problem at home to a much greater extent than I believe I had seen, certainly at least since the previous September, which was also a very bad month for him.

I just felt that it wasn't that I didn't feel that I could cope with Cameron, on a day to day basis and level. I could certainly cope with him at all times.

I felt in the overall picture for this child if he was to have

the best start in life and the best opportunity of development over a long period of time I perhaps—definitely not, perhaps should get some outside advice and counsel at page 739] least on this matter.

Q. With these thoughts in mind, then, you proceeded to seek the advice of physicians that have testified in this court?

A. Yes.

Q. Now, when, if at all, did you ever advise Mr. Crounse about your awareness of these difficulties that you speak about concerning Cameron?

A. I had mentioned incidents to Donald from the time when we were separated and certainly from the time we were living together and since my marriage I would say something to the effect that Cammy had been rather difficult and I was wondering about that, of what did he think and at that time his reaction was it was just a stage and we should not concern ourselves with it and, however, last fall, after talking to Dr. Miner and after I think my first visit to Dr. Ogdon or it may have been before—I can't remember—I told Cameron's father that I had been in consultation with, well, I guess I told him that I had seen Dr. Miner and was going to go to see Dr. Ogdon and I thought if at that time, if he would at least come to New Canaan and talk to Dr. Ogdon and Miner and his teacher, Miss Faloney—

Q. Did you describe the conditions that caused you to bring Cameron to his father at that time?

A. I did, yes. I told him that Cammy was such a page 740] discipline problem and as he was, we ought to realize he was playing one set of parents off against the other.

He said well, my daddy doesn't make me do that or, I don't have to do that in Virginia. It was so hard for him to accept a new authority again, he had gotten completely *uprotted* in three month or two and a half months.

He just had a very hard time back with us as a family and as a unit *agin* in establishing this other identity with us. He had almost two separate identities and I tried to explain this to Donald and I don't remember, certainly my words.

Q. Did you discuss with Mr. Crounse the amount of time concerned with the visitations with his father at any time?

A. I don't think I discussed it at that time but I certainly did.

Q. When did you discuss it with him and under what circumstances?

Aneen Parker Gorman

A. When he came to New Canaan in November of 1963, I had made arrangements for him to see, to talk to Miss Faloney, Dr. Miner, Dr. Ogdon. By then I had the opinion of these three people in so far as they were able to give me one at that time, and Donald went to see each of them and was told that he had been told the same thing I was told, and then we met together at our home in New Canaan and we discussed the possibility of shortening the summer visitation for the first page 741] time. He seemed cooperative. He seemed willing to listen and willing to give it his complete consideration.

He told me he would. He said that he would let me know something. He wanted to have some time to think about it but he would let me know something by December.

He thought when he would, when either Cammy would be going down for his Christmas vacation or when he would be coming back, at which end of it, he said he would have a discussion with me.

Q. Had you discussed the shortening of the summer vacation at that time?

A. I believe that right from the beginning we discussed having Cameron with us, with his father for the month of July and with us for the month of August, and also of course that would give us about seven days in June right after school let out and a few days in September around Labor Day before school began.

Q. Now did you further discuss this matter at this first meeting with Mr. Crounse again with him?

A. Oh, yes; many, many times.

Q. What way, personally or telephone?

A. Possibly on the telephone. I can't think when the next time—oh, I think the next time I saw Mr. Crounse in person was the following Easter, spring vacation, but I discussed it with him on the telephone in the month of page 742] December or January, right along the Christmas holiday, at which time he told me he had not made a decision and he wanted more time.

I discussed it around the time when he called and asked if Cameron could come down here for his winter vacation. This was not stipulated in the agreement and the year before I had allowed Cameron to come.

Q. When would that be?

A. That would be in February, but this year we had made plans to go to my parents' home in Florida.

We had never been there. I felt when the—since it was

not stipulated in the agreement—I felt I was perfectly within my right and since we had plans, he was quite upset, he also told me at that time he had not made a decision about Cameron's summer schedule.

I believe the next time he spoke about it was probably in connection with Cammy going down for the spring vacation and of course my husband and I traveled to Virginia to speak with Dr. Riesenman and I believe at the beginning of that when I first spoke with Donald before Cammy went down he said he wanted to have Cammy examined by a doctor down here to see if the opinion of the doctor down here would coincide with doctors in Connecticut.

And I said by all means do that, and would you make an appointment for us to see him so we can just, as we page 743] had done for Donald at the end of his evaluation of Cammy.

It was to be decided immediately after our discussion with Dr. Riesenman. There was a promise, I believe, or statement by Donald that at that time he would definitely make this final decision with regard to shortening Cameron's summer visitation. I believe that when we went into this hearsay I don't know, I thing that Dr. Riesenman had not formed an opinion about this at the time we went into his office.

I am not sure but I know that when he came out that he had agreed, certainly in principle, if not in degree, with the shortening of the summer visitation.

And when this became known to Donald — well, he, I don't know what went on in his mind—he still refused to come to an agreement to come to a decision about visitation.

Q. Did you have occasion after you had seen Dr. Riesenman, to talk to Mr. Crounse again about this?

A. On the telephone I spoke with him, certainly, two or three times in the month of May. And on at least three times in the month of June. We were trying desperately to settle it here before Cammy—we had our plans to go to East Hampton. Cammy's school was going to be out on the 20th of June and even though Donald had said he would be perfectly willing to wait for a week after that time while we were still negotiating. We felt the pressure of time closing in on us page *745*] and I couldn't get an answer out of him and I would ask him over and over again if he was able, through his thinking it over, to come to a decision and he said he could not.

He was not satisfied about it because—

Q. Because of what?

Aneen Parker Gorman

A. Of *Cammy*'s—all of *Cammy*'s emotional *disturbannces.* He did not—he was not willing to. All we were saying was, look, give it a try. See if it helps Cammy this year.

I had been told by then, I think three or four doctors and his teacher, but certainly the doctors—I believed that this would certainly be a help in treating Cammy and in getting him solidly settled in so that he would be able to build an identity of his own. And I—

Q. You conveyed this—

A. I felt this was apparent to Mr. Crounse.

Q. Did you convey that to Mr Crounse?

A. Indeed I did, and the doctors had.

Q. Now you have a young daughter?

A. Yes.

q. Annie?

A. Yes.

Q. How old is she?

A. Two, a little over two, 25 and a half months.

Q. Now, tell the Court, if you will, her relationshp with Cameron when he was living in your home.

page 746] A. They have been close, much closer than I would have thought it would be possible for him to be considering the age difference and the fact that sometimes there is jealousy and especially when we prepared Cammy very carefully about Annie's coming and he was thrilled and delighted about it. We were quite prepared for there to be some show of Jealousy, rivalry. It never occurred except on one occasion I can't say there: When Cameron would say, oh, and ah, when he would, but always with love and gentleness and just the marvelous tenderness that he had toward that little girl.

She worships, she still runs to the window when the school bus comes.

Q. You said except on one occasion. Tell us about that occasion.

A. Oh, that occasion; that was the occasion that Mrs. Crounse referred to when I called her up and I believe she said I was hysterical, I was angry; I was—

Q. What time of year was that?

A. It was in October, I believe, of 1963, and Cameron had been down here for a football weekend and he had come home. As we drove in the driveway and were pulling up in front of the steps I remember exactly where it happened, he said to Ed and me, "You know, Annie is not really my sister."

Aneen Parker Gorman

I said "Well, what do you mean?" He said, "You
page 747] know, she is just not really my sister." I said, "Of
course she is." I said "I am your mother and I
am Annie's mother."

I said, "You and Annie have different fathers." I said "Annie's your sister. You love Annie as you would if"—I think I used the example if we had adopted a child she would not be a blood relation to any of us but we would all love her even as we would love our own child, our own children, and nothing more was said at that time.

He *seemd* to accept that and then he was very warm with her. When I unpacked his suitcase I found at least ten or fifteen *horor* magazines, *horor* comics. Cameron has always had a fine library and we have done a great deal of reading. I think there are a great many wonderful things in—I don't suppose that an occasional *horor* magazine is harmful. I think that a solution of any other kind is doubtful. I didn't express any of this to Cameron. I let it go. I didn't, I sort of—I think I unpacked the things and put them away in the corner or something and I was hoping they would be forgotten. Sometime that evening I saw that Cammy had them all around him in the den and was reading them and I came in and I said Cammy, I really wish that you—I guess I asked *himif* he liked them or enjoyed reading them and he said oh, man, yes.

I said well, do you—would you mind—I said I don't like
them and I never have and I think you know that
page 748] and I want you to throw them out. And he argued
with me a little about it but he threw them out. He
picked them up and gathered them in the waste basket in the kitchen — I was in the kitchen fixing dinner or I *mayhave* been upstairs. I suddenly heard screaming and loud slapping and I ran into the den and Cammy was just beating Ann in a very, very serious way.

I have never seen him touch her before, even to slap her and I ran in the room and I separated them and I said, "Cameron, you don't discipline. This is not your position, this is my position *Iam* the one who does the disciplining in the house. You must not hit her."

He *said"She* was tearing my comics."

I saw that he had gotten these comics again out of the wastebasket and was reading them, looking at them, I guess, and I would come in,—she tore a page. He became enraged at this so I ended up with my arms around both of them saying

it was all right. We will just pick them up and we will forget about it all.

I mean, I made the point that Cammy was not to discipline Annie and he knew that, and that was my position, and that the magazines went; that was that.

I then was upstairs doing something, changing the bed, and Cammy had taken the big heavy, I don't know—that these big heavy hairpins had all been pulled out straight. I had them on the Newell post and I was going to take them up-
page 749] stairs and Cammy said, "Look what Annie did."
I looked and I said, "Cammy, Annie couldn't do that."

I said, "Why do you want to hurt our Annie?"

Well, he burst into tears again. I told him, "You mustn't do things like that." I said, "Annie loves you and you love her."

He understood. He knew it just couldn't; just couldn't help himself. I don't know what was going on in his mind. I can't get into all the things that were going on but at that point, I guess at this point when I told him when I said "You did this, Cammie, not Annie," because she is not capable of doing this.

Before he came down he became hysteriacl. He *want* into a rage. He screamed and hollered and carried on and at that point I had been trying so hard, this was, I think the—I had been talking to Donald for several years about some of Cammy's problems, discipline problems and some of the things that had been said that upset him. This was not the first thing and I became very angry. He doesn't believe me when I tell him these things, that these things upset him, Cammy in any way, and I impulsively called Fairfax because I wanted Donald to hear what was going on.

I wanted to tell him what had happened, the whole sequence of events, how really damaging I thought this sort of thing was for Cammy, and Donald was not there, and I
page 750] talked to Sandy. I am sure I was—I started—I was angry. I started to tell Sandy about it. I don't really know if I told her the whole story. I asked her to have Donald call me back, which he did, and at that time I was furious. I was very angry but I was calm, my voice was raised, or anything. I explained it to him and he said that he felt that perhaps he was sure that he and Sandy hadn't said that and perhaps his grandfather had and he would there—would speak to his grandfather about this. As always, he had told me when

Cameron had been so *dis-disturbed.* He had gone back to bed-wetting and soiling his pants and so on. I believe it was right after we had moved into our new house and Cammy came down for his first visit after establishing the new home. That was at Thanksgiving of that year. We moved on the first of November.

Q. What year was that?

A. This was '61. This was—he came back and acted in this disturbed fashion and he had been quite happy and exuberant and wasn't disturbed.

Finally, after about three or four days he broke down in my arms. "My daddy says this is not my home," and that "He is not my stepfather and that I must not call him father or stepfather."

And this is how things come out with Cammy and he holds them in and then they come out in a burst in one way or another.

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page 752]

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By Mr. Ferrari:

Q. Now, Mrs. Gorman, I believe you stated that Cameron came to live with you and Mr. Gorman in October of 1961, after your marriage.

A. Yes.

Q. And if you would, briefly, I would like you to describe Cameron at that time with respect to his attitudes and his living in your home for that part of the year and on into 1962.

A. When we first moved into our home on Old Rockland right after our marriage, Cammy had been included in it; he had been present in the ceremony and had been made to feel very much part of this new family we were trying to establish right from the beginning.

And he was just ecstatic and delighted. He was thrilled *withour* house, with all the trees to climb.

He thought he had the most beautiful room in the house and it was the sunniest and the pleasantest and certainly a very nice room for a little boy and he was thrilled

page 753] with having a family again in the proper sense of the word. We had been living with my parents

and that is not the best solution. He was just awful happy and exuberant and this, you know, lasted for a while and it came and went, of course.

First he had to leave his new home in less than a month after it was established, for his first visit to his father, according to the agreement that was signed at that time, and that was at Thanksgiving time and we moved in the house on November 1st.

I believe I described what happened as a result of that Thanksgiving visit.

So I won't go into that again.

Q. Had he been entered in school at that time?

A. We entered him in school after I talked to both the principal and the kindergarten teacher. I think it was sort of toward the *middleor theend* of November. He was old enough but just barely. He would have been one of the youngest in the class and we were debating whether this was the thing to do and the decision was made to go ahead and enter him because there were no brothers and sisters and he would — the routine of school would help him establish a pattern that would be meaningful to him.

Q. How old was he, specifically?

A. He would be five in just a few weeks. He was four almost five. His birthday is December 10.

page 754] Q. When did he enter the school?

A. I would say about the middle of November, so that would be less than a month before his fifth birthday.

Q. This was kindergarten?

A. That is correct. Then he did have to go to his father's again at Christmastime and he, I believe, went down again for the winter vacation, though that was not part of the agreement. I at that time felt that that would be all right. He then of course went down again at Eastertime and then by this time of course I was pregnant, and we had told Cammy about the baby, that the baby would be coming and he had to go away for the whole summer and he was concerned, I know, by things that he would say that somehow the baby was going to come while he was away and he would not be a part of that ceremony event in the family and indeed the baby was due September 30 or in *themonth* of September,

so I reassured him and hoped that I was right and hoped the baby would not come until *afterhe* returned from his visit. I think that weighed on his mind. I think he was delighted at the thought of having the baby and I think he was a little worried about being away at the time so close, that the baby was due to come.

Q. How soon after school did he leave for Virginia?

A. The day after. In fact, I am not even sure that he didn't leave the afternoon school was out but maybe it

page 755] was the next day. Anyway, the next day.

Q. When did he return?

A. The day before school began, so that it was — I was quite pregnant at the time. I had to really scramble around trying to get his school clothes, dental appointment and doctor's appointment.

Q. This would mean he was going into his first year in September of '62?

A. Right.

Q. Tell us about him, then, at *hom,* how he acted.

A. Cammy was very bad that September. The worst thing that I remember, the thing that stands out the most clearly in my mind, is the time he ran halfway home from school as a result of, well, he had had such a fight with his teacher on one occasion that when he walked in the door I knew something was wrong. Cammy's sweater was all stretched out. He was scratched and bruised a little bit and I questioned him and at first, he said nothing had happened and it finally came out as it always does with Cammy, eventually that he had had a bit of trouble with Mrs. Merrill. I think this was the first time.

And he did not run away.

I went to talk to Mrs. Merrill and she had felt as bad as Cammy over this.

Q. What, if anything, did you do about this?

page 756] A. Well, I talked to Mrs. Merrill and I felt at that point I felt I had to explain something about Cammy's background and tried to explain that he might have problems from time to time and would she try to bear with him and us and we would try to work it out together and she was very understanding about it and felt very badly

about it and was awful sorry about that, that it happened that way.

The second time he refused to obey her she put him out to the hall and he just started running home. He got on the parkway bridge before the school authorities picked him up.

Q. What month was that?

A. September, October, I don't remember. It was right after school began. I think it was in September.

Q. How did he get along after these episodes?

A. Well, you mean just immediately — I mean Cammy had long periods of — some long, some short periods of wonderful behavior and just happiness and exuberance and just boyish fun and pleasures and good relationships with people around him, but then the pattern that was beginning to emerge was that his explosions and his inability to accept authority were becoming out of the ordinary. That is the best way I can describe it. There was too much of it. You expect all children to do some of this, or most children. Cammy was beginning — then *tat* became apparent that there was something really bothering him.

page 757] Q. Well, now, tell us something about the routine that you would have for, routine for Cameron in the home, particularly in this year, and on into '63.

A. Well, the alarm goes off at 6:30, and we get up and get dressed and go down and have breakfast and Ed goes to the train and he usually gets the 7:40 and Cammy was catching the school bus at 7:30, because he was at the end of the line, so that quite coincides, and there were occasionally times because we lived at — Ed would just drop Cammy off at the bus stop.

Q. Did Cammy have great difficulty getting into this routine?

A. He certainly did. I mean, well, he was hard to get up. He was hard to get going. He did, — I mean he got there, he caught the bus most times. There were occasions when I had to drive him to school, when he missed the bus but I certainly saw enough mothers doing the same thing that I recognized that this happened in all families.

Q. Did this get progressively worse or better?

A. As he got back in the school pattern, the established pat-

tern at home, it certainly improved.

Q. What time did he return from school?

A. He returned — depending on *whetherhe* was on the early or late bus; he would either return at 2:30 or 3:30.

Q. Then what were his activities?

page 758] A. Well, if he had papers, we usually went over them first. Then he saved them for Ed to go over later when he got home.

He usually just ran in the house and wanted a quick snack and wanted to go out to play. Or sometimes the kids would come to our house. He wanted to be outside unless the weather was impossible.

Q. What time would he have supper?

A. He was permitted to have, to watch television one hour a day between five and six o'clock.

Q. Was this in 1962?

A. This has been our pattern since Cammy — one hour a day and more on Sunday, and Sunday morning.

Q. When would that hour be?

A. From five to six o'clock.

Q. Then what would —

A. Then he took the bath, which was right near the kitchen, where I was working, he would go upstairs and get his pajamas and bathrobe and then put his clothes, get in the tub, take his bath.

I guess maybe he — I might have helped him in some way with that routine but as he grew older he was able to do the whole thing, sir, by himself, and then he would come out, depending on whether Ed was coming 6:15. He would either have supper or he would wait and we would all

page 759] have supper together.

Q. Now in general, with respect to his supper time, did you experience much difficulty?

A. Cammy is a child who likes a great many different foods because he has been exposed to a lot of different ones. He was inconsistent, somewhat. He would have a particularly good dinner and Ed and I would just be so pleased because we had such a nice conversation and at no time would I have had to stop and say "Cammy, take your elbows off the table" and "Please sit still," and then there were some dinners

that were really quite difficult. He had been squirming around and interrupting or whatever children do, but we felt that one way to train him was to give him the opportunity to be with us at dinner time so he could be corrected when he was doing something wrong, something bad.

He would learn the proper way that things were done.

Q. Now, *theredid* come a time, however, where his activities, both academically and from a disciplinary point of view were brought sharply to your attention?

A. Yes; not until last fall. Evidently his previous teachers had felt while there was a problem or some problem they had not felt it necessary to suggest any further help in any way to me.

Q. I see.

A. Last fall, in September, after about two page 760] weeks of *of* school I called Miss Faloney because I had been seeing these papers that were not at *allup* to what Cammy was doing — he was much, much older — I mean, he was older — he was not much, much, but he should have been doing work at least comparable — I still then had papers from the previous spring.

I could see what has happened to his writing, what had happened to his general performance and neatness and everything, and I called Miss Faloney.

I said "This is Mrs. Gorman." She said "I am so glad you called," and I said I was going to go to her, and she said, "Well, I have just been having a terrible time" and then, you know, she has testified in this courtroom.

Mr. Howard: Would you keep your voice up a little bit, please?

The Witness: She has testified in this courtroom as to some of the difficulties she had with Cameron.

Do you want me to go on with this?

By Mr. Ferrari:

Q. Well, you continued to see her, didn't you, concerning Cameron?

A. Yes. I worked very closely with Miss Faloney; not the first time I talked with her, but perhaps the second time or the third time that Cameron might benefit *frompsychological*

testing and some help in this field.

page 761] Q. Let me ask you this: To your knowledge, does Cameron love his father?

A. Oh, yes, very much.

Q. Has he expressed this many times to you?

A. Indeed he has. We feel that his love for his father, for his natural father, is a very important and valuable thing and something that should be nurtured and something that should continue throughout his lifetime.

Q. Have you nurtured that love?

A. Yes; and so has my husband.

Q. In what ways have you —

A. By talking about his father; by saying he might be a lawyer like his father; by trying to make him look forward to his visits down here.

When he volunteered some little incidents or little thing that happened, he got our interest and our approval in almost all cases.

If there is any disapproval of anything it is not registered to Cammy. We have just — his father is talked about a great deal in our house. I think that for a little boy to relate well to his father and to love his father, this is the greatest, one of the most important things.

Q. You want that to continue?

A. Of course I do. I think it is absolutely essential.

page 762] Q. Will you tell the Court your main desire, then? You talked to Mr. Crounse concerning your son, what you had particularly in mind after you had sought the advice of the professional people you spoke about?

A. At no time in any of my conversations with Mr. Crounse did I try to blame him for anything, did I say that it was because of something that happened because of the situation in Fairfax, that this was the cause or in any way a part of the cause of what Cammy's problems were.

Donald and I have been aware for years that Cammy has had or would have problems as a result of the poor start he got in life. This we were agreed on.

My only attempt was to show, try to convince Donald and in this of course he talked with other people that we had to

work together to help Cammy and since Cammy was having problems and difficulties we were just going to have to think what the best thing we could do for this child would be and work together on it and not try to one pull and the other pull and try to have as much of — we were going to have to make certain sacrifices, quite possibly somewhere along the line.

Q. Sacrifice. The sacrifice you suggested was to shortening of summer visitations?

A. I did, just the summer. I wanted to try it out to see if it would help Cammy. You see, I felt and the doctors felt that the month of August, if he could be with us in a

page 763] vacation atmosphere, the family all together in all the recreation and all the things we do together as a family and also in this regard have some opportunity to play and again, with the neighboring children and again be integrated into the community before he began his school year, that this might very well be one of the solutions to this puzzle here. We were struggling with some — we certainly didn't think this was the only thing that that was going to perform some kind of miracle, that Cammy was going to become a child without problems. Too much had happened to him. We regarded the therapy that Cammy was getting in May and June of last year and would continue to get in the fall as a very important part of this, too.

Q. Who was it?

A. Doctor George Schultis of the Silver Hill Foundation in New Canaan.

Q. And was this with the approval of Dr. Ogdon?

A. Oh, yes. He had been recommended by Dr. Ogdon.

Q. And this therapy we speak about, was there any time limit put on it or how long it would take place?

A. Well, Dr. Schultis works only with children. That is his field. He doesn't handle anybody above a certain age level. And he said to me —

Mr. Howard: Your Honor, I would object to what he said to her.

page 764] The Witness: I was advised —

Aneen Parker Gorman

By Mr. Ferrari:

Q. How long were therapy treatments to continue?

A. I know they would have continued from one to two years at least.

Q. Were you preparing to have him back with Dr. Schultis this September?

A. Yes. Dr. Schultis. In June I asked Dr. Schultis, I explained to him that we were going to have to go to East Hampton because of our fire and it was the only home we had at the time. We were not going to be able to — I explained to him I would be glad to bring Cammy back to New Canaan once a week or however often he felt it would be necessary, during the summer.

He was definitely going to continue with him in the fall. Dr. Schultis at that said he felt Cammy was coming along very well under the circumstances, at that time.

Q. Please confine yourself to what you know and not to what anyone else has said, Mrs. Gorman

Now, you have asked this Court for permanent custody or I should say sole custody of your child?

A. Yes.

Q. Now, on this basis and after what we have been talking about, I would like to know why you want this to be.

A. I feel that Cameron must have one home, page 765] one primary home, he must belong to one community, one school, one group of friends primarily.

I mean, he must establish identity somewhere. I believe he will have very serious problems in his life if he is not given the opportunity and I am only sorry it couldn't have been started sooner.

I have great faith in the fact, with therapy and loving guidance, that he can be helped. And I think he can become a fine person.

Q. Do you think you can give him this help?

A. I do, sir, very much.

Mr. Howard: I can't hear you.

The Witness: Yes. I feel I can give him this help.

Mr. Ferrari: I don't have any other questions.

Aneen Parker Gorman

CROSS EXAMINATION

By Mr. Howard:

Q. Do you have an opinion of how this child would get along if he lived in the home of his father?

A. Do you mean if he were there and not disrupted all the time?

Q. That is right.

A. I think is is very hard for me to say. I don't know of any reason why this wouldn't probably be very good, for him to have, one home somewhere.

Q. I understood you to say he does love his father.

page 766] A. Yes, he does.

Q. Do you have any doubt in your mind about the feeling of the father for him?

A. No.

Q. Now, Mrs. Gorman, you said that you feel with therapy and love and affection this child can, we will say, come back to normal. Would you mind telling me what is your idea of therapy for a seven or eight year old child?

A. Well, the best therapy in the world for Cammy is the security of one home and along with this, the actual psychotherapy that is administered by an experienced person in work with children who I don't know — just what their methods are. I believe there are a combination of elements that go into that.

I don't feel qualified to say what.

Q. Do you have an opinion as to the possible effect it might have on Cameron's condition if he is in a home where conditions are stable and both parties in that home love Cameron and treat him good?

Do you have an opinion as to what effect that would have on his condition?

A. I would think that would be very good for him.

Q. I believe you said all you are trying to do was to make your former husband understand that Cameron had a problem.

page 767] A. Yes.

Q. And you had an opinion that possible cur-

tailment of the visitation privilege would help with this problem?

A. That is correct.

Q. Mr. Crounse discussed this matter with you many times during the early part of 1963, did he not, by telephone?

A. Only once in '63.

Q. Well, pardon me. You are right; in '64, I meant to say.

A. There were two or three telephone conversations by early '64. What do you mean?

Q. I will put it this way:

From January the 1st, 1963, until June the 24th, 1964 would you like to hazard a guess as to the number of telephone conversations Mr. Crounse had with you about Cammy?

A. Oh, I would say 9 to a dozen; nine, ten.

Q. Did not those calls come more *frequntk* become more frequent in the spring?

A. Yes; in the warm weather, yes.

Q. Mr. Crounse definitely is interested in trying to find out what the child's problem was; isn't that true?

A. Well, I think there was one answer he wanted, and that wasn't the answer he had been getting.

Q. Well, he did not want to accept what you said about the visitation being responsible for the condition, did he?

page 768] A. I never said the visitation was responsible for the condition.

Q. Well, you had considerable conversation with him about that, did you not?

A. About what, about the condition?

Q. About terminating the visitation period. Would it help — it would help the child?

A. Yes. The suggested one-month visitation, instead of the entire summer.

Q. Didn't he tell you that before he would agree to that that he wanted to say himself that this conceivably was a contributing factor to the boy's condition?

A. Yes.

Q. This condition has been going on for some three years

prior to the spring of this year, had it not?

A. Certainly not. This is a marked, a format, any time until last September. The degree, there has been quite a bit of difference here in the degree of the manifestation of the problem.

Q. Did it not grow progressively worse as time went on?

A. No; that is quite inaccurate, because there were times in the year when it manifested itself to a much greater extent than it did any other time. These were invariably in September; sometimes around Christmastime; often

page 769] after his return. I can't remember one return from a visit that wasn't marked by a serious series of *upheval*s.

Q. Then are you saying there were no *upheval*s at any other time except when he returned from his visitations?

A. No, I am not. I am saying this was the most serious episode.

Q. The episode he had, a proverbial fist fight with the teacher?

A. It was in the month of September 1962.

Q. I believe you said it was September or October. Am I correct?

A. It might have been the early part of October, because it was the first time I had ever met his teacher.

Q. That was in September of 1962?

A. September or October.

Q. Then he had a subsequent trouble with her?

A. They were within a week of each other.

Q. In other words, those two episodes. He had no further trouble with that particular teacher?

A. None that was reported to me in any detail. I remember having two or three other conferences with her, at which time she told me Cameron was improving. She was quite excited about his work in the spring of that year.

Q. Now you saw the report that *Mrs.* Faloney made in June of 1964, did you not?

page 770] A. Yes, I did.

Q. Now that had been approximately six months or better since the boy had visited with his father for the summer visitation; isn't that true?

Aneen Parker Gorman

A. For the summer visitation, yes.

Q. Do you concur in what she said about Cameron's condition as of June 1964?

A. I think that *Mrs.* Faloney referred to Cammy's condition as she saw it over *and* entire year.

Q. Let me ask you this:

As far as you are personally concerned, what was his condition the months of April, May and June of 1964?

A. At that time Cammy had shown — there is no question in my mind he was behaving much better in the home. I *ccertainly* wasn't getting complaints. I was told by Miss Faloney she was no longer aware, that everyone in the school was not aware of Cammy, the way they had been in the fall. She was not getting complaints from the other teacher about his activity in the playground or in the cafeteria. Certainly, speaking for his behavior at home, he was quite a joy and a delight, especially in May and June of last year.

His best time was out at East Hampton when it was vacation time.

Q. Well now, if he was not having any problems to speak of in April, May and June of 1964, what was

page 771] your concern about him coming down to visit with his father?

A. I didn't say he wasn't having any problems. He made a great improvement. Cammy, I suppose — I don't suppose there has ever been a week that has gone by when there hasn't been some outburst or problem but I certainly didn't feel any differently; I didn't feel that Cameron's show of improvement with us necessarily, I didn't feel that that affected my decision at, about the summer at all.

Q. *You* believe you said he would have an outburst at least once a week during the year?

A. I don't know. I couldn't say, specifically tell you. I would assume Cammy was a disciplinary problem of some sort, whether it was an outburst. I can't imagine that a whole week went by that this didn't happen at any time.

Q. You certainly had a perfect opportunity to observe him in that respect, did you not?

Aneen Parker Gorman

A. Of course I don't remember distinctly all these little things.

Q. I am not asking you to but I did understand you to say — if I am incorrect you tell me — that he would have *anemotional* outburst at least once a week.

A. I said I couldn't believe that there wouldn't have been some disciplinary problem or outburst that often.

Q. At least *omce* a week?

A. Yes.

page 772] Q. Now, again, since this was your primary aim, to do something to help Cammy and you thought one of the things you could do to help him was to shorten or reduce the visitation period, why didn't you in June of 1964 send the child down here when Mr. Crounse told you, with that thought in mind he wanted to do what was best for the child and would agree to take him just for the month of July?

A. And just accept his father's word that he would be returned the first of August?

Q. Is that the reason you didn't send the child?

A. I was trying to understand what it was you wanted me to answer, what my motives were.

Q. No. Why didn't you send him down here? You said you wanted to work out what was best for the child.

A. We were negotiating. Cameron's father had said it would be perfectly all right if I kept Cammy. I believe he said for a week or so after school, after the end of school. Negotiations were going on.

We were trying to get an agreement signed and —

Q. All right.

A. Some kind of assurance that he would be returned when he said he would return him, and had, I think, good reason to think he would not do this, from his past performance.

Q. What past performance?

page 773] A. The time in October, around the last of October, Halloween time, of 1961, when there was no agreement in effect.

Q. All right. Do you want to talk about that a little bit?

Going back, I will just digress for a minute, because you brought that up. On the 28th of April, 1960, Mr. Crounse and

yourself were living in an apartment with your son in New York City; isn't that correct?

A. On the 28th of April?

Q. February. If I said April I mean February.

A. On the 28th of April, or Febraury?

Q. No, February.

A. February. I think that was the day Donald took Cameron to Virginia.

Q. Is it true that prior to February 28, Mr. Crounse and yourself had some discussion about your taking Cammy out when you were on dates with Mr. Gorman?

A. About taking Cammy with me on dates?

Q. With Mr. Gorman.

A. Well, I only had about, I had two dates with Mr. Gorman previous to that time and I don't remember asking to take Cammy with me.

Q. See if this will refresh your recollection. You recall having asked Mr. Crounse if he would permit you to go for a ride in the country with Mr. Gorman and take

page 774] Cammy with him? Do you recall that?

A. I don't think that I had ever taken Cammy.

Q. No, you didn't take him.

A. With me, no.

Q. I asked you, do you recall asking Mr. Crounse if he would object to your taking Cammy when you went for a ride with Mr. Gorman in the country.

A. I don't remember that.

Q. You don't?

A. I do not.

Q. How soon did Mr. Crounse leave the apartment after you started having dates with Mr. Gorman?

A. At the time of my first date with Mr. Gorman, I asked — Donald was in the room when I was talking to him — and I asked him if he minded, and he said no; go right ahead. "As a matter of fact, when *Shrley* Fizzelli took her out and it helped her tremendously, I think you should go ahead, and it will make you feel better." It was with this understanding and because a complete separation agreement had been drawn up only until after he got out of the apartment that I ever considered going out with Mr. Gorman.

Aneen Parker Gorman

Q. Will you now answer the question?

How soon after you did, Mr. Crounse left the apartment after you started dating Mr. Gorman?

A. I think I went out with Mr. Gorman twice, page 775] and then Mr. Gorman was going on a business trip to the West Coast, which was going to take some two weeks, to say goodbye, he at that time met Mr. Crounse, if he hadn't met him before. I don't remember that; he just came for a few minutes to say goodbye and and then he left on his trip and I don't — I am just trying to think. I am sorry. I think it was about two weeks. I don't —

Q. When Mr. Crounse left he left you a note?

A. Yes, he did.

Q. Do you have that note, by any chance?

A. It burned in the fire.

Q. Do you recall what it said?

A. "I have taken Cameron on a vacation. There is two hundred dollars in the bank" — or four hundred dollars in the bank; I don't remember which. "Love."

Q. Did he tell you he couldn't stand the pressure?

A. He didn't say another word. He didn't say anything. This was a complete shock to me and he had been acting as if it had been perfectly all right, the two dates I had had; the two dates. He had drawn up this lengthy agreement which gave me custody of Cameron and a certain amount of alimony, plus child support. We had gone over this in the offices of Jacobs and Persinger. A friend of mine, who was a lawyer, simply asked him to look at it because my then husband did not want to get a lawyer because we couldn't afford it.

page 776] *afford it.* Our marriage as far as I knew was at a complete and total end and it was agreed to by both of us.

Q. Did you ever see that agreement?

A. Of course I did.

Q. Did you ever sign it?

A. Because he wouldn't get out of the apartment, the legal separation isn't valid unless the two parties were —

Q. After he got out, did you sign it then?

A. He took every copy with him.

Aneen Parker Gorman

Q. You had an attorney?
A. I did not. He was my attorney.
Q. Who was the lawyer?
A. Murry Falk.
Q. He was a practicing attorney in New York City?
A. Yes. But he never handled this kind of case.
Q. He maintained offices in New York?
A. Yes. He was a corporate lawyer, or something like that. Tax lawyer.
Q. You consulted him about your rights in this matter?
A. I just asked him to look it over, that everything should be covered. I didn't know the first thing about it.
Q. You were trying then, as I understand it, to get Mr. Crounse out of the apartment. Is that the only reason you wouldn't —

A. Mr. Crounse and I agreed that he would page 777] get out of the apartment. This was consented to by him. He just kept going out and saying he was looking for an apartment and saying he couldn't find the right thing.

Q. Who told you that it couldn't be signed until he got out?
A. Mr. Jacobs in Donald's office.
Q. Did you consult with your attorney at that time?
A. No. Donald told me that, too.
Q. What did your lawyer tell you?
A. He looked it over one day and I simply, I think it was the day we were in in Mr. Jacobs' office and he said everything seemed in order to him.
Q. When Mr. Crounse got out, did you go back to your lawyer?
A. I didn't have a lawyer.
Q. Well, this friend.
A. He had taken all the copies of the agreement with him. I didn't have a copy of the agreement.
Q. How did you know there were not any copies in the lawyer's office?
A. In what lawyer's office?
Q. The one you-all went to see.
A. Mr. Jacobs, Donald's employer?
Q. Yes.

Aneen Parker Gorman

A. Before I knew where Donald had gone with
page 778] Cameron, right after I got the note and got back,
I called up Jacobs and Persinger saying he went on vacation, do you know when he will be back. They said, why, he quit his job a week, Donald said he was home from the office with a cold.

Q. The fact remains, whether he was home from the office or not, he left.

A. He certainly did.

Q. And when he left it was your understanding that this agreement would be signed?

A. No. No. I mean, when he left with Cameron and went to Virginia, which I didn't know, but later found out through a series of phone calls, I had absolutely no idea what he was planning to do.

I don't think he knew himself.

Q. Didn't he take all of his clothing with him?

A. I don't think he did.

Q. Had you-all not been talking about him getting out of the apartment?

A. Yes, we had.

Q. Wasn't that the general idea?

A. He was to get out according to agreement, he was going to live in the neighborhood and he was going to have Cammy with him quite frequently.

I think it was all spelled out in the agreement. I think he
could have him every week or every other week-
page 779] end, and every night in the week up to a certain
hour.

Q. Well then, I still ask you this:

Why, after he left in accordance with what you-all decided, why did you then not go to your friend or lawyer, whatever you want to call him, and ask him about having the agreement signed?

A. Well, I did not have a lawyer that was in my employment and I did not have an agreement, and I believe I can't think now when this happened, after this thing happened, and I am sure I asked him about the agreement.

I don't know whether he said —

Aneen Parker Gorman

Q. Who was the lawyer you talked with about your domestic —

A. Richard Aronson.

Q. So you actually talked to at least two lawyers about your domestic situation, have you not?

A. At that time I had talked to at least four.

Q. When your husband said you were only getting advice from Mr. Crounse —

A. But that was at some previous time.

When we went to Mr. Aronson, my husband, my then husband as to any possibility of getting an Alabama divorce, that was his advice. And we talked about it and I didn't know what the result was going to be and when we got finished with the conversation my then husband said, "I would like to speak to you for a while in private. Mr. Aronson page 780] said, "Would you mind," which I did.

Mr. Crounse then told Mr. Aronson that it was simply —

Q. Did you hear what Mr. Crounse said? Was Mr. Crounse there at the time?

A. When he was talking to Mr. Aronson.

Q. You said that Mr. Crounse went in the back room with Mr. Aronson.

A. They stayed in the same room and I left.

Q. Same room?

A. Yes.

Q. You don't know what passed between them, do you, of your own knowledge?

A. You mean I wasn't present?

No. No, I was not present.

Q. Who were the — you said you consulted four.

Who were they?

A. I consulted with a lawyer in Charlottesville, Virginia. Donald and I went together to two lawyers in Charlottesville.

The first time I went to a friend, in a roundabout way and it turned out his partner had just been disbarred and he is no longer practicing law.

I remember that he put his feet up on his desk and puffed on his pipe and said to try to patch things up, that I had no

grounds for divorce.

page 781] We went to a second lawyer in Charlottesville at Mr. Crounse's request, who was practicing law down there and discussed the problem with him, and I believe were told the same thing, no ground.

Q. Now, after Mr. Crounse left New York in February of 1960, you learned of course he had come back to Virginia, did you?

A. Yes. I learned after several phone calls and two days, I think.

Q. He tried then to get you to come down here and establish a home; is that correct?

A. That is what he said.

Q. And you just told him you didn't want to live in Virginia.

A. Mr. Crounse and I had already come to a final conclusion on ending our marriage.

Q. All right.

Then as a result of these telephone conversations, you-all had, after you left there in February of 1960, he let you have Cameron in either May or June, with the understanding you were to think in terms of reconciliation?

A. Oh, no. There was never at any time a question of reconciliation.

Q. Did he let you have Cameron in May or June?

page 782] A. Yes. I meanwhile did get a New York attorney. It was his advice that rather than go down and pick up Cammy and take him that we would — take, he would get in touch with Donald's lawyer down here and they would negotiate and he told me to sit tight and wait and he would work something out for me.

And that went on from February, the end of February, until the first of May and in the month of May Cameron was returned to me.

Q. What were the conditions under which he was returned to you?

A. That I go to live with my parents in Cazenovia, New York.

Q. He didn't want you in New York City; isn't that correct?

Aneen Parker Gorman

A. He didn't want me independent; that is correct.

Q. Now when were you supposed to return the child to him at that time?

A. I think that the nature of the agreement that was signed in May, I think it was called or termed a temporary agreement.

Q. When were you supposed to bring the child or send the child back to him?

A. It was pending, that was pending the final solution of the case.

Q. Weren't you supposed to give him the child back in September?

page 783] A. Well, I know he was, he visited his father in September of that year, for Labor Day time. Now I don't — he wasn't supposed to stay down here then.

Q. Well, as a matter of fact, didn't Mr. Crounse get him back about the time of his birthday?

A. Yes. He called up one day when I was in Cazenovia and he was crying on the phone and he said that he wanted Cammy to be with him for his birthday, and I, I believe there was no agreement in effect at that time. It was very nebulous. I felt basically and I told him about the conversation and I said "What shall I do," and he said — and we decided in the interest of trying to be amicable to work things out show our good will and let Donald have Cameron for his birthday.

Donald at that time gave me his word. I flew down with Cammy and I said, "Donald, don't do anything more to hurt this child. "I give you my word he will be on flight such and such on American Airlines."

I flew back to Syracuse. I got a phone call in from Donald. He said, "I have no intention of returning this child to you."

Q. And you deny at that time the terms of the arrangement in May or June, under those terms you were supposed to give the boy back to him in September?

A. I was not aware *ofthat.*

page 784] Q. You deny you held the boy and would not give the boy back to him when you were supposed to?

A. Yes, I do, because he was down there on Labor Day on a visit, which was agreed upon between Donald and me,

just between ourselves, without any written —

Q. I believe you testified on direct examination that as of June the 24th, you had understood that Mr. Crounse again had prepared a paper and deposited some money in the Clerk's office down here.

A. I am sorry. Would you say that again? I am awful sorry.

Q. On direct examination I understood you to say that as of the day Donald came up to New York and got his child, you were under the impression that Mr. Crounse again had prepared an agreement sent up to your lawyers and had deposited certain amounts of money in the clerk's office in this Court.

A. 24 hours before he took Cammy from our home — we had a poor connection, and he was rather shouting over the poor connection. He said he had signed an agreement and/or was going to sign the agreement and send it to my lawyer and that he wondered if I would consider not signing and just letting it be in because he was planning a Fourth of July, but it was going to be that next Saturday, and he knew by the time the agreement got to me or he sent it out to me, it would be too late for him to get down there to take part, would I agree to send it before I actually signed the

page 785] agreement myself and I said I don't see any reason, I don't see why I have to sign it first and he also, at that time he was going to post the $1500 the following morning in this court.

Q. And you are saying under oath that Mr. Crounse was going to prepare the agreement that would make it possible for him to get the child down here. That is what you are saying?

A. He said he was going to sign it. I don't know who prepared it.

Q. You don't know who prepared it? Did you have any idea who was going to prepare it?

A. You see, I wasn't in close touch with my lawyer.

Q. You were not in close touch?

A. With my lawyers; not really. I think my husband may have talked to him on the phone from New York City.

Q. What did you have your husband do?

A. He was simply — he may — he may have called for me

one day to find out what the progress was, the general progress.

Q. Was he dictating the terms of this agreement?

A. My husband? No, he had nothing to do with this.

Q. All right. Now let's get back to this:

Who were you consulting in June of 1964, what lawyer?

A. There were several lawyers. They were all busy and we kind of got moved from one to another. There was a MacNamara and Mr. Schoonmaker and there was

page 786] even a Mr. Morgan. He is involved at one point.

Q. They were all connected with Cummings and Lockwood?

A. That is right.

Q. And you first consulted the firm of Cummings and Lockwood when?

A. The very first time I went there was late November or December *of1963*.

Q. 1963?

A. Right. Or sometime around in there.

Q. That is the first time you went to see them, in November of 1963?

A. Yes.

Q. Take a look at this and see if you have ever seen that before.

A. June 12, 1963. It is over a year ago.

Q. Beg pardon?

A. This is over a year ago. This is June 12, 1963. This should be marked '64. There is something wrong here because —

Q. Is that on the firm stationery? Do you know that?

A. No. I have never seen their stationery. This is all typed up. It really doesn't look like their stationery. There is something wrong here.

Q. All right. I see.

A. This should definitely say 1964.

page 787] That should say June of 1964. This is where all our letters from the teacher, and Dr. Ogdon, and Dr. Schultis, these were all written in the spring of this last year.

Aneen Parker Gorman

There is something wrong.

Q. All right. Let me see:

You do acknowledge that you were having at least telephone conversations, if not in person, conversation with a Mr. Francis J. MacNamara in June of 1964, don't you?

A. June '64; the only conversation I had with Mr. MacNamara was after Cameron was taken and when I called him and asked him what I could do.

I think I talked to Mr. Schoonmaker directly before Cammy was taken about the matter of the bond.

Q. Well, now, who in that firm was negotiating with Mr. Crounse about this?

A. No. Mr. MacNamara had gotten tied up with other matters and Mr. Schoonmaker is a very young lawyer in the firm, was trying to help out.

Q. Let me ask you: Do you remember this conversation there in June of 1964, when Mr. Crounse called you and told you that he had several letters from your lawyers up in Connecticut and they wanted to have him sign a written agreement about the visitation period and he then said to you over the telephone, "Why do we have to have something in writing? Why, if I tell you that the child page 788-789] will be sent back, can't you send the child down here in July?"

A. I remember that conversation but don't remember when it occurred; around that time; maybe a little earlier.

Q. And do you remember then telling him that you would have to discuss it with your attorney?

A. No. I don't think, I believe that what I said was, "Donald, I would rather have something prepared by my attorney."

Q. I am sure you did, too.

A. And then I don't think the bond came up at that time at all.

Q. Then after that, Mr. Crounse attempted to get that agreement from your attorney, did he not?

A. Well, that would be simply, I imagine; I don't know; I don't know what happened.

Aneen Parker Gorman

Q. Isn't it true when your attorneys contacted you and then for the first time after that, you brought up the matter about this bond?

A. Well, when my attorney has called me and told me what —

Q. Told you that Mr. Crounse was ready to sign something, that he would keep the child just on the settlement basis for a period of 30 days. They told you that, didn't they?

A. Yes. I think they did.

Q. That is when you said you wanted a $5000 page 790] bond?

A. They suggested that one time my father had to post a $5,000 bond in order to get Cammy returned to me. They wondered if I would want this done in this case, and I thought about it. I was very unsure whether Donald would honor that, and they suggested $3,000, and I thought that was a little bit too much under the circumstances. I said $1500 is enough money for, enough money; somebody doesn't want to lose it and —

Q. Did anybody ever tell Mr. Crounse that?

A. If they didn't I don't know why Mr. Schoonmaker — I believe he —

Q. You said you thought he had prepared the agreement and put the money up in court. You said that, didn't you?

A. I don't believe so. I don't think Donald prepared the agreement. He said he was going to sign something. Now, I wasn't sure, it wasn't clear to me whose preparation it was but he said he had either signed or was going to sign something, and send it to my lawyer.

I remember at the time he asked me if he just wrote a letter to me saying he would agree to do this, and I said I think I would have my lawyers prepare some —

Q. Didn't you explain this episode when he took the child from your home over in Long Island as of that date you understood that Mr. Crounse had prepared the agreement, sent it up to New Canaan, put the Clerk's money up?

page 791] A. I think I understand that he had signed it. I don't know who prepared it.

Q. Would you read that letter, see if it is addressed to the attorney who was then representing you?

Aneen Parker Gorman

A. Yes.

Q. Does he say anything in that letter about an agreement?

A. Yes, he does.

Q. He asked your attorneys to send it down to him; isn't that correct?

A. He says "As July is almost upon us, and I have made definite plans for my vacation with Cameron, it would be appreciated if you would send me by return mail proposed memoranda which you and Mrs. Gorman plan to utilize.

I plan —

Q. You certainly did not intend — where was Jones Beach? What place is that?

A. The town of East Hampton.

Q. When you-*allwent* to the town of East Hampton, you certainly did not intend to let Mr. Crounse take Cameron until he had done exactly what your attorneys intended?

A. It is hard for me to say what I would have done, had Donald come to me. If I had refused to do this, he said he was going to make it very hard for me.

To say what my reaction would have been to page 792] his plans, I didn't want to do anything to disrupt Cammy, and said I can't bring myself or I can't do it or I don't think it is fair of you to ask me to do it.

I might have taken a chance and sent Cammy. I can't tell you what I would have done.

Q. He did tell you that over the telephone?

A. Tell me what?

Q. He asked you would you send the child down; that he would either give you a letter or he didn't see why you had, he told you that?

A. No. He told me on the phone, he was agreeing with what I asked.

Q. He was willing to take the child just for July until he could determine what the situation was, didn't he?

A. That was what he said, yes.

Q. But then you wouldn't do that?

A. Yes, indeed, I would. I intended to do it. I had his suitcase half packed, while I drove in LaGuardia.

Q. Why didn't you?

A. The day hadn't arrived.

Aneen Parker Gorman

Q. Why?

A. This was June 30, I believe, that Cammy was taken. I was thinking — the Saturday in question when Donald was on the phone was the Fourth of July. He wanted to be sure Cammy would be here on the Fourth of July. I

page 793] was driving into LaGuardia either Wednesday or Thursday of that week.

Q. Oh, let me see if I understand. In other words, you are saying now if Mr. Crounse had not come up there on June 30, it was your full intention to drive that child to LaGuardia Airport to put him on the airplane on July 1?

A. Not on July 1.

Q. It had to be July 1. Let's get that point.

And you were not going to say anything to your attorneys?

A. Oh, no. I was going to be quite sure that I had something signed by Donald and in their hands; not signed; I agreed; I didn't have to sign it; and since he had agreed to put up the bond and send it to my lawyer I was naturally waiting for these things to occur.

Q. June 30 nothing had occurred in that respect, had it?

A. As far as I knew, probably; yes.

Q. I mean, did you have any knowledge of it.

Had your lawyer told you that he had signed anything and sent it back up there?

A. No. Donald told me he had signed or was —

Q. So you were going to take Donald's word on that?

A. As a matter of fact, I think I wanted to wait until my attorneys had it in their hand.

Q. Exactly. So if those attorneys — you were not about to take Cammy over to LaGuardia?

A. I told you I don't know what I would have

page 794] done. Now I can't — too much has happened right. Now my answer would have been different from what it would have been then.

Q. Of course you got excited. The child was missing. You had a pretty good idea where the child was?

A. It took me a while to possibly figure it out.

Q. Do you remember talking to Mr. Crounse on the telephone?

A. Yes.

Aneen Parker Gorman

Q. Do you remember what time you talked to him?

A. I don't think so.

Q. Around 6 o'clock?

A. I don't think so.

Q. Do you remember telling Mr. Crounse it is six o'clock and you went out to look for Cammy at 5:30?

A. Oh, no, no. I had the police out looking and Connie was out looking all over town for a long time before I called Mrs. Crounse.

Q. You deny you said to Mrs. Crounse "I have not yet called the police?"

A. Oh, indeed, I do deny that, that I had called the police; when I called her, they were out looking for Cameron. I had to call them off when I found out what had happened.

Q. Let me ask you this: You had a telephone conversation with Dr. Morgan, did you not?

A. I did.

page 795] Q. You heard his testimony, of course, did you not?

A. I did.

Q. I ask you now, in the conference, conversation you had with him, did he tell you he would be happy to talk to you if you had been willing to give him some information about yourself?

A. He refused to in any, under any circumstances — Cameron was his client, he was not my adviser; that I had my advisers, and he felt it would not be in the best interests of his client Donald Cameron Crounse, Jr., in any way divulge any of his findings to me.

Q. Now I ask you, in that conversation that you had with Dr. Morgan, did he ask you if you would be willing to tell him something or answer some questions about your own individual life?

A. He never asked me a thing about that.

Q. He never mentioned that at all?

A. He certainly did not.

Q. Now, you-all, meaning you, you received a copy of Dr. Morgan's report when?

A. Oh, sometime in August maybe.

Q. That was when you had Mr. Sattler representing you?

A. Yes.

Q. As a matter of fact, I told Mr. Sattler that report would be made available to you, *didn't,* didn't I?

page 796] A. At sometime I knew that. I don't think I knew it, I know I didn't know it when I was talking to Dr. Morgan because the impression he gave me was that at no time would this information be made available to me at all.

Q. But it was actually made available to you through your then attorney?

A. Yes. I wrote a letter to Mr. Crounse and I felt that as Cammy's mother, I had a right to some consultation or some knowledge of what transpired about Cameron, and at least if he did not want to send his findings to me would he send them to Dr. George Schultis at Silver Hill Clinic; if not to me, at least to the therapist who had been working with Cameron.

Q. Don't you know that I am the one who arranged through your then lawyer for you to have that report? Don't you know that?

A. If you tell me.

Q. No. I don't want you to ask me to accept my record. Didn't Mr. Sattler tell you I agreed to release the report to you?

A. I can't remember. He may have at sometime. I did not know that. When I talked to Dr. Morgan it was some time after that.

Q. Do you know that I had made an arrangement with your attorney, Mr. Sattler, that Cameron could

page 797] be examined by a psychologist of your own choice? Do you know that?

A. I believe that we have a letter at some time and I can't tell you when we received it, from Cummings and Lockwood stating something to that effect, yes.

Q. Didn't Mr. Sattler even discuss with you the people who would do the evaluation, the name of the Association?

A. We wanted to have Cammy evaluated by another doctor down here but what happened was that Mrs. Crounse took Cameron to Florida, where they kept him for a month or six weeks in all — I could be wrong about that — and he was not available.

Aneen Parker Gorman

Q. Of course, under the agreement Donald was supposed to get Cammy the first day after the end of the school year in June.

A. Oh, yes. We all know that.

Q. He did not get him at that time?

A. No, he didn't; quite according to what he said it would be perfectly all right.

Q. Providing he got him as of July 1?

A. That is correct.

Q. The only way he got him as of July 1 was for him to come up there and take him.

A. By my *giving* him at LaGuardia the next day.

And putting him on a plane.

Q. But you have already said that you knew

page 798] he had the papers he wanted?

A. That was understood at that time. That was the way this thing was going to proceed. I had not heard of nor did not know myself of any resisting of this on the part of Donald Crounse and he was in agreement with it and so I assumed that this was going to take place.

Q. I believe you said the pressures at this time were building up in you and you just couldn't go on because you couldn't get an answer.

A. I don't remember ever saying any such thing. That doesn't sound like anything I have said.

Q. I am only asking: On direct examination when you were talking you were answering questions about trying to come to some agreement with Mr. Crounse on the reduction of the visitation period.

You said the pressures were closing in on you because you couldn't get an answer. Do you have any recollection of that?

A. I may have expressed something like that. I just don't happen to remember that particular wording.

Q. You don't remember pressures closing in on you?

A. No, I don't.

Q. You'd hardly use the expression unless you have had some experience with it, would you?

A. I am not sure. That is a difficult question to

page 799] answer.

Q. Do you deny that in some of the telephone

conversations you had with Mrs. Crounse, say in May; April, May or June of 1964 that you became very emotional?

A. I do deny that.

Q. You do?

A. Yes, I do.

Q. Did you tell him you positively could not do anything with Cameron, you could not control him?

A. I have never said that to anyone.

Q. You deny that you said Cameron was such a problem in the home you just didn't know what to do?

A. I deny it.

Q. Do you deny that you had conversations with him about Cameron's behavior?

A. No, I don't deny that.

Q. Do you recall what you told him about Cameron's behavior in the home?

A. At what time?

Q. April, May or June of 1964.

A. I don't recall there were any specific problems at that time. There have been times in the past when I have discussed Cameron's behavior. I believe your conversation at that time, the fact that time was closing in on us.

page 800] Time was getting short and we should come to some kind of conclusion, agreement about what was going to happen to Cammie that summer. This is what we were discussing at that time.

Q. Whether or not you could reach an agreement?

A. That is correct, whether it would be affected in what we wanted to arrange the month of July with Donald, the month of August, with us.

Q. You did of course talk to Dr. Riesenman?

A. Yes, I did.

Q. Did you become upset in any way while you *werein* Dr. Riesenman's office?

A. I felt quite frustrated by Dr. Riesenman's approach and his unwillingness to discuss Cammy. He talked at such length of extra-sensory perception and other unrelated things, that I started to cry a little and at that moment he stood up behind his desk and pointed his finger at me and said "I knew it. You have had some kind of traumatic experience

between the age of 5 and 10," and I just kind of looked at him. I had at that point broken in and talked to him and tried to get some kind of answer, and in a few minutes I stopped crying and we were laughing.

Before long he was showing us card tricks and we were enjoying them.

Q. The only *emotionally* disturbance was that you cried; you did nothing more?

page 801] A. That is correct.

Q. You did not raise your voice or scream at him in any way?

A. No, indeed, I didn't.

Q. You didn't raise your voice to him at all?

A. No, I didn't.

Q. When you called Mrs. Crounse you became very angry?

A. I was very angry on one occasion.

Q. Was that unusual, for you to be angry?

A. I have never, never talked to Sandy that way before or since.

Q. Well, do you have any problem at any time controlling your temper?

A. Oh, once in a while I lose my temper, yes.

Q. Have you ever been in the home when Mr. Gorman, I believe he testified, threw things or kicked things? Have you ever been in the home when he did that?

A. I saw him once kick a cardboard box or something across the room and it was right after Cammy was taken and he was very angry and upset.

Q. After Cammy was taken?

A. Yes; out in East Hampton. And I think I have seen him get mad at himself and take a book — not a book, a magazine or some small object, just kind of slam it on a table or something like that.

page 802] Q. Do you remember whether or not Cammy was around when he would act like that?

A. I don't recall any time Cammy was around. He may have been. It is possible. I can only remember it happening maybe twice so I hardly, so it certainly wasn't apparently a pattern or usual occurrence at all.

Q. You can only remember it happening, you say, twice?

Aneen Parker Gorman

A. That is right.

Q. Now I want to ask you about these remarks that Cameron made when he was discussing this matter with Dr. Morgan. I believe you said he was hard to get up.

A. Get up in the morning, sometimes.

Q. Get him going, and is it correct, then, if he was a little slow, maybe Mr. Gorman would say, "Hurry up" or something like that?

A. Oh, sure.

Q. And did you ever see Mr. Gorman and Cammy wrestle?

A. Yes, sir.

Q. Did you ever hear Mr. Gorman use the expression, "Step on it, step on it?"

A. No; that is funny. That language doesn't ring true.

Q. Did you ever hear him use the language "Come on, Cameron, get going?"

A. He called him Cam or Cammy, or some nicknames. The rest of that is believable.

page 803] Q. Well, is it believable that if he did wrong, that you would punish him and put him in the room for ten minutes?

A. I don't know where he got the ten minutes, but I have put him in the room before.

Q. That wasn't anything unusual, was it?

A. Yes, it was fairly unusual.

Q. It was an accepted method of punishment?

A. Yes. It has happened.

Q. Did you ever get in a temper tantrum and scream?

A. Yes. It has happened.

Q. Did you ever get in a temper tantrum and scream?

A. I have yelled at Cammy.

Q. And when he says you really get mad and you scream at him, would you deny that?

A. I don't think I have ever screamed. I have yelled.

Scream to me connotes some, really some kind of a shrill noise, or something very, very high-pitched and terribly loud. I don't know. I don't think I would characterize anything I have ever done that way.

Q. Would you say that you have yelled at him but you wouldn't call it screaming?

A. I wouldn't call it screaming, no.

Q. Did you ever have any problems with Cammy over his little sister about waking his sister up or disturbing his sister?

page 804] A. Never.

Q. Never did.

Was there any time you-all, all of you, had to sleep in the living room for some reason?

A. Never.

Q. That never happened?

A. Never.

Q. Before or after the fire?

A. Never. We have always had it, we have had houses with three or four, rather four or five, bedrooms; four in two of our houses and five in the present house, and certainly the apartment in the inn that we had had two bedrooms, a dining room, kitchen and living room.

There was no time that anybody ever had to sleep in the living room.

Q. Now you did go to Dr. Brown's for the purpose of being evaluated, did you not?

A. I did.

Q. And you of course know what he said about your condition?

A. Yes.

Q. Did you ever have reason to question what he said about your condition?

A. I don't question it at all. I think it is probably a valid evaluation.

page 805] Q. Now let me ask you this.

Mr. Howard: I will be through, your Honor in just about five minutes.

By Mr. Howard:

Q. Going back just for the minute, when you, it was in March of 1961, that the original case was to go in court, isn't that correct?

A. Yes, that is right.

Q. And at that time you came down here for the case, Mr.

Crounse agreed to let you have the child, did he not?

A. Yes. It was decided out of court, as the lawyer came in out of court, as we were all sitting in preparing, asked if we wouldn't go in the back room and try to make a settlement.

Q. At that time you had agreed you were going to live in this area; isn't that *inthe* agreement itself?

A. That was in the agreement with my former husband, that I was to live in Northern Virginia.

Q. And it was under those conditions he permitted you to have custody of the child?

A. That was one of the conditions.

Q. And then you came back at some later date, maybe in June or July or later than that, and told him you were contemplating marriage and you wanted a modification of this agreement?

page 806] A. Not until I had lived in Virginia. I lived here. Donald told me that I could live in his house with Cammy and that he would leave while I was looking for an apartment and a job. You see, I would have had to work. I would have had to find a housekeeper and I would have had to find an apartment, three things, because I was not, I didn't have a means of support and since I was not permitted to live at home with my parents there was no other way I could manage it. He said I could live in his home, while I looked for a job and an apartment and a housekeeper and that he would leave. He did not in fact leave.

He was in the house quite a bit of the time. I found myself cooking, cleaning and taking care of the house for him while he dated other women and he was there with Sandy. I was there with Cammy and I think it was an intolerable situation.

Q. Well, in any event, you had the child as of 1961; is that correct?

A. I had the child as of 1961.

Q. When you came in the latter part of the summer, in '61, talked to him of marriage, you wanted to —

A. At that time Ed *Came* down and the three of us had dinner together.

Q. Where were you living down here?

Aneen Parker Gorman

A. In 801 Santayana Drive, Fairfax, Virginia.

page 807] Q. How long did you live there after March '61?

A. I came down, I think in June. I think it was pretty much the month of June.

Q. From March to June you didn't live down here?

A. No. I had certain affairs. I had to tie up and I had my life, my life was established in Cazenovia, New York.

Q. And you lived some part of that time in New York City at all?

A. No.

Q. You did not; you came back here in June of 1961 is that correct?

A. Yes.

Q. And you stayed then for approximately how long?

A. I think it was about four to five weeks or something like that.

Q. All right.

Then after that you talked to Mr. Crounse about modifying the agreement?

A. Yes.

Q. And the agreement was modified so you could take the child back?

A. No. The agreement was not modified until, you see, my present husband came down, and the three of us talked to Donald, that we would like to get married and we

page 808] would like to make our plans for the following September.

Donald seemed very much in agreement and he said definitely his lawyer would get busy on it and something would be arranged. There was nothing we found that we could agree on and September came and went, and we had to cancel that date and we had to make another date in October.

Actually, at the time my present husband and I were married the modification had not been signed. I think it was signed about three days later.

Q. In October '61?

A. The end of October 1961.

Q. Up until that time you had the child with you and then after the agreement was signed you took the child *wih* you

three go through this pre-evaluation where they talked to the parents.

They would see the child and then they would talk to the parents. They see the child two or three times.

Q. But none of those doctors were giving —

A. His was the final evaluation which was signed.

Q. He was the who was treating Cammy in May and June of this year and I would think it best to have him down here or his evaluation rather.

A. Dr. Ogdon was decided on. She was the first

page 812] one we contacted and I think Mr. Ferrari felt she would cover any ground that needed to be covered here and we didn't have to bring them all.

Q. Do you remember talking by telephone with Mrs. Sandy Crounse during October of '63?

A. Yes. I have already testified to that conversation.

Q. That was the night of your anniversary?

A. I don't recall that it was, but it may have been, it may have been.

Q. Do you deny that in that conversation you told Mrs. Crounse you just could not do anything with Cammy, his father would have to do something about it?

A. I have never said that to Mrs. Crounse or to anyone.

Q. You deny that you had a conversation with her?

A. I was very angry. I was angry but my anger, I am sure, came through to her. Donald wasn't at home at that time. When he called me back I had *called* down. I testified to that conversation.

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page 813]

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Mr. Ferrari: This closes the case for the defendant, your Honor.

Mr. Howard: Your Honor, I have Mr. Crounse in short rebuttal, and possibly Mr. Truax.

The Judge: All right.

Donald Cameron Crounse

Thereupon

DONALD CAMERON CROUNSE,

the complainant, having been previously duly sworn, was examined and testified further as follows:

DIRECT EXAMINATION

By Mr. Howard:

Q. Mr. Crounse, at the time you left your apartment in New York in February of 1960, had any final separation agreement been prepared for the signature of your wife and yourself?

A. Absolutely not, Mr. Howard. We had had discussions and negotiations and we had meetings and as Mr. Gorman testified to in the law office of Jacobs and Persinger in reference to a settlement that my wife, or my wife at page 814] that time, she wanted, and insisted upon and she had contacted, on her counsel, Mr. Murray Falk.

Q. Was he then representing her?

A. It was my understanding he was.

Q. Is he an attorney?

A. He is an attorney, a member of the New York Bar.

Q. Prior to your leaving on February 28, 1960, did you have any conversation with your wife about Mr. Gorman and her taking Cameron for a ride in the country?

A. Yes, I did. I don't know whether it was a *weekor* within ten days of the time she had requested that Cameron be allowed to go with her and Mr. Gorman for a drive somewhere in the country or something, and I did object to it and the boy never went.

Q. Now before you left New York, had you discussed with your wife leaving New York?

A. We had had a discussion. She had been after me for weeks to get out of the apartment to find a new apartment. "Hurry up and get this agreement drawn up" — and I had, just shortly before I left, I had discussed with her that I had to get away and that I was going down to Virginia and I told her I wanted to go down to Virginia for a rest and at that time when I discussed it with her, I did not — there was no

discussion that Cameron was to go with me.

page 815] She did know, however, that I was planning, contemplating going to Virginia for a short period. The day I left — as a matter of fact, she knew I had planned that week to go to Virginia and the day I left I called her by phone and told that I was taking Cameron with me and she knew I was going to Virginia.

She did not know exactly where in Virginia I would be. I was —

Q. But the day you were leaving you told her you *wee* leaving and taking —

A. Taking Cameron with me.

Q. Did she say anything about signing any papers?

Did she know that you had revised this tentative agreement about reducing the visitation period?

A. There is no question in my mind. In May of this year I told her and had quite a lengthy conversation with her over the phone.

I did not want to cut it down. We had arranged quite a bit about it on the phone. I did not agree that this was the cause, and I actually told her perhaps him living up there. That might have been the cause and we discussed the period of time in this same conversation.

Q. Now after you left up there in February of 1960 and you came down here with the child, did there come a time when you consented for Mrs. Gorman to have the child?

page 816] A. Yes. There were a number of phone calls back and forth through this period of time and Mrs. Gorman was attempting or wanted to get the child back. I was contemplating filing suit. No, *Iwas* not contemplating filing suit at that time. I had many discussions *overthe* phone with Mrs. Gorman, my wife at that time, over the possibility of a reconciliation. She reassured me on a number of occasions there was no chance of reconciliation and then after this first — this was in February and March. Then in June I again got *intothe* question of reconciliation and it was brought to my attention that of course there could be no reconciliation so long as the mother was separated from the child and that she certainly, *ifshe* was to consider a reconciliation she would have to have the child with her and on this

basis I agreed to let the child go with Mrs. Gorman home to her parents, to her parents' home. I didn't want him in New York City — go with Mrs. Gorman up to her parents' home for the summer and if no reconciliation was achieved at the end of the summer the child would then be returned to me.

Q. When?

A. It *wasSeptember,* end of September, early fall.

Q. Who was your attorney at that time?

A. Mr. Al Truax, and Mr. Renner.

Q. Did the child come back in the fall?

A. No; absolutely not. She refused absolutely to return him. It was at that point that I tried to get him back.

page 817] Q. Was the child down here for Labor Day?

A. I can't recall whether he was or was not, Mr. Howard.

Q. Is there any question in your mind?

A. No question in my mind about that.

Q. Now, with reference to this agreement that you-all made in March of '63, which she said was conditioned on her living in Virginia, when did she start living in Virginia?

A. She was to forthwith move to Virginia. All she had to do was come from Cazenovia.

Q. Did the agreement that is part of this case so provide?

A. That is correct.

Q. Did she ever come back to Virginia after this agreement was signed?

A. Yes. She came with a suitcase.

Q. When was that?

A. In June.

Q. That was how long after the custody agreement was signed?

A. March, April, May, June. She came down and brought Cameron. I was supposed to have Cameron, I believe, that summer.

Q. How long did she stay at that time?

page 818] A. She lived — I told her that she could stay at my home at that time while she found an apartment. I stayed there at times. I did visit with Cameron there. She left on the weekend. She was there just during the week. She went back up to New York on the weekend, is my recollec-

tion, and she made no attempt to get an apartment. She never had any intention to do so.

Q. Did you-all have any agreement with respect to his being reared while the child was living with her?

A. We discussed this, yes, and Mrs. Gorman, this was after she was married, indicated to me that she had, and her present husband would, certainly, while Cameron was baptized a Catholic, they had some reservations about him being trained further in the Catholic religion and would I object to him being reared in the Episcopal Church.

It was my understanding that that is where he was going, that is where he was being reared, in the Episcopal Church, until the other day I was under that belief.

Q. Did you ever tell your former wife over the telephone that you were signing some sort of a paper and signed it? Was it up to her attorneys in New York or Connecticut, and you had deposited —

A. I didn't. I never told her such a thing, that I signed any agreement or that I had deposited $1500 in this Court.

I did tell her that her attorneys were supposed to
page 819] prepare an agreement which was going to be
forwarded to me to be signed and that I had made arrangements to secure or to raise $1500. My discussions with her counsel were to the effect, after conferring with you, as to him preparing an agreement and sending it down providing for money to be put in escrow.

Q. Did they ever prepare such an agreement and send it down for your signature?

A. Quite to the contrary. They didn't, and I even asked them — In May I asked Mrs. Gorman what was going to happen. I asked them is she going to send him down as the court had ordered, and she said she had to talk to her attorneys. Then I got this letter and after I talked to her attorneys, she would be unwilling to send this child down unless I signed this agreement and pursuant to the decree for him to be sent down here I did tell her on the phone if she wanted to keep him there until — the 25th was the day I mentioned to her on the phone — of June — that regardless of what her feelings were I wouldn't object to that but I did want the court decree complied with.

Q. Did you also have to send her, direct a letter to her that you would have to have the child back?

A. I offered to send that and she said, "I will have to talk to my lawyers."

Q. What was your reason at that time to take
page 820] the child on a reduced basis. Did you make it
plain to her what your intentions were?

A. That I wanted the child down here and I wanted to have him examined.

Q. Now, let —

A. For Mr. Riesenman to give him a full evaluation.

Q. Did you have a telephone conversation with your wife during the spring of this year with reference to whether or not she could control or handle Cammy?

A. I think it was the spring. I think it was the fall. We had some discussions this spring about Cameron's behavior and that he has a behavior problem and was *uncrollable* at times in school.

Q. What, if anything, did she say about her ability or inability to control Cammy?

A. My recollection is she told me he was completely uncontrollable.

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page 821]

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ALFRED W. TRUEAX

having been previously duly sworn, was called as a witness by and on behalf of the complainant, was examined and testified as follows:

DIRECT EXAMINATION

By Mr. Howard:

Q. Mr. Trueax, state your full name, your address, and occupation.

A. Alfred W. Trueax, McLean, Virginia, attorney at law.

Q. Do you practice here at Arlington County?

Alfred W. Trueax

A. Yes, sir. My office is here.

Q. Beg pardon?

A. My office is in Arlington.

Q. And has been for how long?

A. Since 1948, '46.

Q. Directing your attention to the spring or summer of 1960, did you represent Mr. Donald Crounse in some domestic difficulty he was then having with his wife?

A. I did, sir.

Q. Your records apparently would reflect who represented her.

A. A gentleman by — William J. Rennert of the firm of Wickes, Riddell, Bloomer, Jacoby and McGuire, 80 Broadway, New York City, New York.

page 822] Q. Mr. Trueax, at the time Mr. Crounse first consulted you, are you in a position to say who had physical possession of their child Cameron, or Cammy?

A. I believe Mr. Crounse did.

Q. Well, did there come a time when some type of agreement or arrangement was entered into that permitted Mrs. Crounse to have custody of the child?

A. Mrs. Crounse's father and mother and Mrs. Crounse and Mr. Fennert had a conference in my office and they wanted very much to have the child to go to a place known as Cazenovia, New York, which they said was a very delightful summer place and they wanted the child there for the summer. Mrs. Crounse had a very indefinite status. I think she was rather ill. She had some type of employment, which was not of a permanent nature. There was a discussion about her going overseas and other things that were uncertain and they wanted the child to go there for the summer under the theory it was a very delightful place for the boy and Donald just was getting started in law practice.

If he could be up there for the summer months they would return him in the fall. There was also some talk of Mrs. Crounse moving to Georgetown and having weekend visitations at that time.

Q. Was the then Mrs. Crounse to have been in Cazenovia with the child?

Alfred W. Trueax

page 823] A. No, sir. I believe Mrs. Crounse would come to Cazenovia during weekends. I understood that it wasn't too far to commute for the weekend but the child was to be there with its grandparents in the summer months.

Q. Do you know whether the child was returned to Mr. Crounse in accordance with the agreement?

A. No. There was difficulty, I recall, I think Mrs. Crounse refused to surrender him in the fall.

* * * * *

The Judge: Do you gentlemen want to argue the case?

Mr. Ferrari: I would like to renew my motion to strike the evidence.

The Judge: On the same ground?

Mr. Ferrari: On the same ground.

The Judge: Motion is denied.

Mr. Ferrari: Exception.

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page 838]

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The Judge: Mr. Ferrari, are you having the record printed in this case, the testimony written up?

Mr. Ferrari: I have a good bit of it, sir; yes, I will. Would your Honor care for some of the testimony?

The Judge: If you are going to have it written up, I want it all.

Mr. Ferrari: We will have it written up. A lot of it has been.

Is there any specific ones your Honor requests? I have some of them now.

Mr. Howard: I would like to ask that you get it all at one time, sir.

The Judge: When you have it all written up, let me have it.

Mr. Ferrari: Yes, sir.

The Judge: And, Mr. Howard, if you have any
page 839] authorities that you want the Court to look at, let me have a list of them Monday.

Mr. Howard: Monday; yes, sir; and I will give a copy to Mr. Ferrari.

The Judge: The Court is not usually disposed to take cases under consideration but not having had an opportunity to read the depositions and there is some testimony that will be *helpfulto* have, after the testimony is printed up, so the Court will take the case under advisement.

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A Copy—Teste:

H. G. TURNER, Clerk.

INDEX TO RECORD

	page
Appeal Awarded	1
Record	2
Agreement — March 27, 1961	2
Decree of Divorce *A Vinculo Matrimonii* — March 29, 1961	4
Agreement — October 31, 1961	6
Decree — December 4, 1961	13
Petition to Modify the Existing Custody Agreement	14
Petition to Modify Existing Custody Agreement and Decree and for Custody of Donald Cameron Crounse, Jr., to Defendant	17
Memorandum Opinion	21
Decree — February 17, 1965	26
Notice of Appeal and Assignments of Error	28
Witnesses:	
Mrs. Shirley Frizzell (Depositions)	30
James Frizzell (Depositions)	36
Arlene M. Rigoulot	42
Quin S. Elson	50
Amos Cameron Crounse	53
Sandra Murphy Crounse	70
Lucy Wong	87
Fred Brown	100
Faith N. Ogdon	143
Donald Cameron Crounse	173, 222, 499
F. Regis Riesenman	190, 276
William James Morgan	284
Mary Elizabeth Faloney	322
Edward Gorman	346
Arnold F. Westwood	392
Mary Fearon	400
James V. Miner	419
Robert C. Erb	437
Elsie Erb	439
Aneen Parker Gorman	448
Alfred W. Trueax	503
Proceedings	322, 505