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**W**hen the Missouri Senate was not in session, Bob Hill tried to limit his work week to Monday through Friday, from 8 a.m. to 6 p.m. Of course, when he was engaged in a trial, his hours were set by the judge, and in emergencies he had to work at night and on Saturday. But he placed a high priority on the time he could spend with Jacob and Joseph, and the two boys practically lived for the time they could be with their father.

However, when the Senate was in session, Bob worked nearly every Saturday. He would drive to Jefferson City on Monday morning, come home on Thursday afternoon or evening, and devote Friday and Saturday to his law practice. Late in the session, when the rush was on to complete its work before adjournment, the Senate's work-week would be expanded to include Friday, and Bob's law practice would be limited to Saturday. Sherman Miller rarely worked on Saturday. He owned a 240 acre stock farm near Adamsville, where

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he raised crossbreed Angus and Hereford cattle, and Saturdays found him out there in Western shirt and jeans, boots and hat, astride his favorite horse, fulfilling his boyhood dream of being a cowboy.

So on this Saturday, Bob came to the office again at 7 a.m. and worked at his desk until Victor Stark arrived 15 minutes before eight. Victor was the respondent in a dissolution case filed by his wife, Wilma. Wilma was living in the marital home and had temporary custody of their two daughters, ages 9 and 6. Judge Nichols had ordered Victor to pay temporary child support of \$60 per week and had awarded him temporary visitation from 8 a.m. each Saturday until 4 p.m. Sunday.

The previous Saturday, when Victor had gone to pick-up his daughters, Wilma had said that the girls wanted to visit their grandmother instead of going with Victor, so she had let them go to the grandmother's home. On the Saturday before that, Wilma claimed that both girls had the flu and couldn't go with him, although later in the day Victor had seen the girls riding with Wilma in her car. Wilma claimed that Victor had been late bringing the girls back from visits; that he had been late with his support payments; and that he was trying to win the girls away from her by buying them candy and gifts.

Bob had agreed to go with Victor on this Saturday morning. He had arranged for Wilma's attorney, Ruth Zern, to meet them at Wilma's house. Bob had some instructions for his client.

"Remember, Victor, that anything you say or do out there can be used against you in court. Be calm and courteous, and except for greeting your daughters and saying hello to the others, let me do all of the talking. You and Wilma are both suitable parents, and I plan to ask Judge Nichols to approve a joint custody arrangement. This is the best we can hope for

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because, unless Wilma does something foolish, there is little chance the judge will give you full custody. But we are going to have to show the judge that you and Wilma can cooperate for the best interests of the girls. Now I will have some things to say out there and you may not agree with everything I say. But don't say anything. I have good reasons for saying what I will say and we can talk about it later, in private. Remember *there is no attorney-client privilege when other persons are present*. So let me do all of the talking."

They drove to the marital home in separate cars. Ruth Zern's car was parked in the driveway, so they went directly to the front door and knocked. Ruth opened the door and she and Wilma stepped out on the porch. The two girls followed, wearing their coats and carrying their little suitcases. Victor hugged his daughters, and then Bob said, "Lisa, please take your sister and get in your father's car. He will be along in just a few minutes."

When the girls were gone, Bob said, "Victor and Wilma, I have some things to say to you and I am sure that Mrs. Zern will agree and perhaps have something to add herself. It is obvious that there is some bitterness between you two. Now I don't even want to talk about who is to blame. All I want to talk about is how this is affecting your two daughters. Believe me, this whole thing is a terrible experience for them. If you two can't stay together and give them a normal home, the least you can do is to make the break-up as easy on them as possible."

Ruth Zern broke in. "Bob is absolutely right. I would like to see a reconciliation so these children could live with both a mother and a father. But if you can't do that, you must start thinking about the welfare of the girls. If you don't, you can leave scars on them that will last the rest of their lives."

Bob continued, "I am sure you both love your daughters

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and would not want to do anything to hurt them. So please do your best to shield them from any bitterness. Neither of you should ever run-down the other in the presence of the girls. Remember, after this dissolution is over, Victor will still be their father, and Wilma will be their mother. It is important to the girls to have a good, healthy relationship with both parents. So don't do anything to poison that relationship on either side. From now on let us all try putting the welfare of the girls first."

Ruth added, "I appreciate all you have said Bob. Rest assured that we will do all we can to help the little girls." Wilma said nothing. It was obvious to Bob that Ruth had given her the same lecture that he had given to Victor.

Bob walked with Victor to his car. "Victor, remember all we said up there. Do your best to help your daughters through this thing. Have a good weekend, and be sure to have them back on time."

It was after nine when Bob got back to his office. The part-time typist was there, busy with Bob's letters. Although Virginia North did not work on Saturdays, the typist came in on Saturday mornings, during the months when the Senate was in session, to handle Bob's dictation. A middle aged couple and a teenaged boy were waiting to see Bob. The boy, who was the couple's 18 year old son, had been arrested the previous afternoon on a charge of burglary in the second degree. The parents had made bond for their son and wanted Bob to represent him. After interviewing the boy, Bob accepted the case, was paid a retainer, and dictated an entry of appearance and an application to have the arraignment continued until the Senate should be in recess so he could be present. The typist left at noon, and Bob went to lunch, taking with him the Clark file, the firm's camera, and a steel tape.

After lunch Bob picked up Mr. Clark, and together they

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drove out to the scene of the automobile accident. The Clarks had been proceeding to the south on County Road D, a two-lane, black-top road with no shoulders. Their speed was approximately 45 miles per hour; it was daylight; the roadway was straight and level; and the road surface was dry. Mr. Clark was driving and Mrs. Clark was a passenger in the front seat. A pickup truck was behind them and had been following them for about a mile. Mr. Clark noticed a herd of cattle in a pasture ahead of them and saw that three or four calves had gotten through the fence and were along the roadway. Knowing that young calves tend to be unpredictable, he applied his brakes and the Clark car was struck from the rear by the pickup truck. At the moment of impact, Mrs. Clark was leaning forward to tune the radio, and was thrown violently backward, injuring her back and neck. Mr. Clark received no injuries.

According to the highway patrolman's report, the pickup left 20 feet of skid marks north of the point of impact, and the Clark car left 15 feet of skid marks to the south as it was knocked forward by the impact. The skid marks were still faintly visible, enabling Bob to locate the point of impact.

"Mr. Clark, can you tell me where those calves were?"

Clark walked down the road a short distance. "I remember this black locust tree. The calves were right about here, just beyond this tree. The cattle were across the fence in this pasture, all along here."

"Now, I want you to look at this fence along here. Did you notice the fence on the day of the accident? Was it in the same condition that it is now?"

Clark nodded his head. "The fence is just like it was. While we were waiting for the ambulance, the farmer came out and I helped him put the calves back in the pasture. We just crowded them up here and they crawled through these

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loose wires. His wife stayed with my wife while we did it.”

Bob said, “I am going to take a lot of pictures of this fence, and when we get to court you will have to identify them as being photos of the fence and as showing the fence in the same condition as it was on the day of the accident. So watch me as I do this and be sure and remember what you just told me.”

After photographing the fence, Bob said, “Mr. Clark, let’s walk back up the road and I want you to show me, as best you can, where you were when you first noticed the calves along the road, and where you were when you first applied your brakes. Also, I want to know where the pickup was the last time you saw it before the impact. Then I want you to help me measure all these distances with my steel tape, and to watch while I take a lot of photos. You take this yellow pad and write down all of our measurements. I will write them down too, but I want you to have your own notes that you can use later when you testify.

“I know some of this may seem unnecessary to you. But it is all very important. This case is more complicated than you might think. We will have to bring suit against not only the pickup driver, but also the farmer who owns the calves.”

Clark interrupted, “But I don’t want to sue the farmer. He is probably having hard enough time as it is, and he and his wife were very nice to us the day of the accident.”

“Well, we know the pickup was covered by insurance because the company has already been to see you. Probably the farmer has insurance too. We will be able to find out when we get to pre-trial discovery. But suppose we just sued the pickup driver. He would argue that it was the farmer’s fault for not keeping his cattle in, and the jury might agree. Then we sue the farmer and the next jury decides it was the pickup driver’s fault. See where we would end up?”

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Bob continued, "We have a doctrine in Missouri known as comparative negligence. The jury is asked to assign a percentage of the fault to each person involved. Of course, what we want is for them to assign zero percent of the fault against you. Now times and distances are very important in this case. The lawyers for the other side will try to show that you made a sudden, unexpected stop, and therefore are at least partly to blame. Many people have a very inaccurate concept of time and distance. This seems to be especially true of women because they don't deal with such things as much as men. When your wife is able, we will bring her out here and go over all this with her.

"To show what I mean, suppose you are on the witness stand, and you are asked, 'how far from the calves were you when you first noticed them?', and you answer, 'about 200 feet.' Now we have already measured that it is 110 feet from the point of impact to the calves, and suppose you have already testified that you were going about 10 miles per hour when the pickup hit you. So that leaves just 90 feet in which to slow from 45 down to 10. The other lawyer will be able to show that at 45 miles per hour, you were going 66 feet per second. He can also show that even in an emergency situation, it takes about three quarters of a second just to get the brake on. The bottom line is that using your own testimony he could show that you slowed suddenly and unexpectedly, and thus are at least partly to blame.

"Please understand that I do not want you to testify to anything that is not true. I just want you to be as accurate as you honestly can be. The trouble is that when a witness says something like '200 feet' that is really just an uneducated guess, but the other lawyer will try to hold him to it in the eyes of the jury. It may sound like a lot, but when you are in a moving automobile, 200 feet isn't much at all. So we are mak-

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ing these measurements to help you get a fair and accurate picture of just what the true distances are out here. Well, let's get started."

It was after four when they got back to Clark's house in Adamsville. Bob said, "I'll see you and Mrs. Clark at my office on Friday at 3 p.m. We will have the photos back by then and I hope to have the medical reports. Thanks for going out there with me."

Bob went directly home, and Jacob and Joseph met him at the front door. "Shaggy, Shaggy," they shouted, "Let's go see Shaggy." Shaggy was the boys' Shetland pony, which they kept out at Sherman Miller's farm.

Maria laughed. "These guys have been pacing the floor all afternoon waiting for you to get home. There is at least an hour of daylight left. Why don't you take them on out there? Maybe they can ride for a little while, and then go in the barn and play on the hay. Be back for supper at 6:30."

Bob knelt and put an arm around each boy. "Okay, guys, let's go. But wrap up good. It will be cold out there."

That evening, as Maria cleared the supper table, she said, "Your big outing worked up three good appetites. I thought we would have some of this roast beef left for tomorrow."

Bob leaned back from the table. "If I know anything about growing boys, our grocery situation is going to get worse before it gets better."

Maria laughed. "I hope we just have two growing boys and not three — that is, two growing up and one growing out."

Bob stood up and patted his stomach. "Well, I really do need to get more exercise. Guys, I'll tell you what. It is supposed to be warmer tomorrow. Let's go in and study your Sunday School lessons for tomorrow, and if you both learn your memory verses, then tomorrow afternoon we can all go out to Sherm's place and hike back into the woods. Maybe we



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will see a deer or even a wild turkey.”

Jacob jumped excitedly. “Can we take our cameras and take pictures of the deer? Can we, please?”

“Take our cameras, please, please,” echoed Joseph.

“Sure, you can take your cameras, but you will have to be very quiet if you want to take a picture of a deer. Now let’s get busy on those Sunday School lessons.”

The boys’ memory verse was Matthew 5:16. “Let your light so shine before men, that they may see your good works, and glorify your father which is in heaven.”

“Jacob, do you and Joseph understand what that verse means?”

Jacob nodded his head vigorously. “It means we should set a good example for other people.”

“That’s very good. Do you know why we should set a good example for other people?”

“Because it will help them to do good things too.”

“That’s a good reason, and I think there is another reason too. Christians are God’s special people. So when Christians do something bad it makes God look bad, but when Christians do something good it makes God look good. That’s what it means when it says that people will see your good works and glorify your father in heaven.”

Joseph spoke up. “I don’t want to do anything that would hurt God.”

“Of course you don’t Joseph. That’s very good. You boys have a good understanding of what this verse means. Now let’s get it memorized so you will never forget to let your light shine.”

By the time Maria came to put the boys to bed, they both had the verse memorized and ready to recite the next morning. Bob picked up a magazine and tried to read, but soon put it down and sat in deep thought. Maria came in and sat beside

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him. "Why so serious, honey?"

"Sweetheart, we have a mighty problem to solve. I have been awfully busy today, but every chance I have had I have thought about it and prayed about it. I am just overwhelmed by the whole idea. It seems like a fairy tale come true. Yet down deep I have some gnawing doubts. What's wrong with me?"

"Bob, I know what you mean. I haven't been able to think of anything else all day, and I still don't have the answer."

"Have you reached any conclusions?"

"Well, I liked David Mullins. My woman's intuition tells me that we can trust him. He knows a lot about politics, and he really believes that you could go all the way to the top. And there is another conclusion that I reached years ago. You would make a good congressman, a good vice-president, and a good president of the United States."

Bob put his arm around her. "I'm afraid you are a biased witness, but I love you very much. While we are on the subject, I have concluded that you would make a better first lady than I would president."

She snuggled close to him. "Oh, Bob, if it actually happened, think of all the good we could do. Maybe David is right. Maybe God has given us some talents that we shouldn't just bury in the ground."

Bob kissed her. "Yes, I have been having those thoughts too. Yet the boys said some things this evening that bother me. Jacob said we should set a good example for other people so they will do good things too, and Joseph said he would never want to do anything that would hurt God. How does that apply to my vote on HB 160?"

"I don't know, Bob, I just don't know. My mind is still in a whirl. You have had a hard day. We have plenty of time to think this through. Let's go to bed."

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“Okay, honey, we’ll call it a day. And since we ate up all of the roast beef, I will take us all out to eat after church tomorrow. I like to show off my good looking family anyway.”

