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Code Name: Arthur Durham

by David Madison

Adoption laws are often designed to keep families apart, but the law is no match for the curiosities and coincidences of life.

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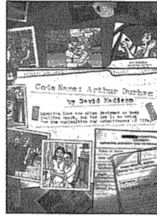
Cover illustration by John Kitses

Cover Story

On July 7 of this year, exactly 33 years to the day after my adoption was finalized, I received a package from the Durham County Department of Social Services in North Carolina. The package contained an uncensored copy of my adoption file.

According to adoption watchdogs who monitor adoption laws around the country, North Carolina—the state where I was born—has some of the most restrictive rules in the country governing the release of these files. Some say it's the toughest state to crack, but over the past year, I've gradually collected the truth about my beginnings.

When I arrived in the Flathead last August, I needed to talk to other adoptees, so I started calling around, looking for others like me—people who had recovered some piece of their past, or were still on the hunt for vital details. What I found out was this: Montana's adoption law is more open than North Carolina's, but it still leaves something to be desired. And it's desire that drives those touched by adoption. The desire to be a parent. The desire that your child have a better future. The desire to simply know your own history.

It's at these starting points that the following stories begin. 14

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CLASSIFIED ADVERTISING REPRESENTATIVES
Carolyn Bartlett, Kiffin Hope
FRONT DESK
Lorie Rustvold
COPY EDITOR
Robin Troy
CONTRIBUTORS
Ari LeVaux, George Ochenski, Molly Ivins, Susanna Sonnenberg, Mary Hoeffel

www.missoulanews.com

Mailing address:
P.O. Box 8275
Missoula, MT 59807

Street address:
115 S. 4th Street West
Missoula, MT 59801

Phone number:
406-543-6609

Fax number:
406-543-4367

Email address:
independent@missoulanews.com

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Code Name: Arthur Durham

Adoption laws are often designed to keep families apart, but the law is no match for the curiosities and coincidences of life

by David Madison
Illustrations by John Kitses

On July 7 of this year, exactly 33 years to the day after my adoption was finalized, I received a package from the Durham County Department of Social Services in North Carolina. The package contained an uncensored copy of my adoption file. It arrived at my home in Columbia Falls thanks largely to luck and the work of my sister, Emily, who is an attorney in Durham.

According to adoption watchdogs who monitor adoption laws around the country, North Carolina—the state where I was born—has some of the most restrictive rules in the country governing the release of these files. Some say it's the toughest state to crack, but over the past year, I've gradually collected the truth about my beginnings.

My life began 33 years ago in the suburbs of Cleveland, Ohio. My father, Michael Tinsley, had just returned from a year spent abroad at Franklin College in Lugano, Switzerland. Franklin's tiny campus is set in an old villa with arched passageways and stunning views. It's a beautiful place—one I got to know well during the summer of 1989. By chance, during the summer term between my freshman and sophomore years in college, I also attended Franklin. I was 19 at the time; my birth father Michael had been 18 when he roamed Franklin's grounds and studied in its classrooms.

In the summer of 1969, Michael returned from Switzerland. His family and his longtime girlfriend, Laura Sweeney, welcomed him back to Cleveland with looks of surprise. Michael's hair was longer than when he left and he'd developed a taste for Scotch. He loved Laura, who was a grade behind him and preparing to go off to college as well. Sometime before Michael headed off to Duke University in Durham, N.C., and before Laura moved to Florida to attend a community college near her recently divorced mother, they conceived me.

Laura kept the pregnancy a secret from her family. That Christmas she wore baggy sweaters and took orders from her mother, who told her to help her sister Sally, who was openly pregnant with her first child.

In March of 1970, Laura moved to Durham to be with Michael and give birth to me. Michael rented an apartment just off campus, and the two of them began to navigate the maze of social services that would eventually deliver me to my parents, Don and Beverly Madison. Don and Bev were recent arrivals in the area. They lived just inside the Durham County line, not far from Chapel Hill, where Don had just accepted a job at the University of North Carolina School of Medicine.

While Durham County processed Don and Bev's application to become adoptive parents, I was placed with a foster mother. She cared for me until I was nearly two months old, working closely with Durham County Social Services, which gave me a code name: "Arthur Durham."

By the time my adoption was completed on July 7, 1970, I was living with my adoptive parents. Soon we moved into Chapel Hill, to Lyons Road, where I spent most of my childhood. It was a splendid place to grow up. A creek ran through the yard, and there was a lake just down the street.

While I was turning over rocks in search of crawdads and salamanders, Laura and Michael were completing their educations. Laura returned to Ohio and enrolled at Kent State. But at the end of her freshman year, the National Guard gunned down four students during an anti-war protest, and Laura's school year came to an abrupt end.

She decided to return to North Carolina, where she would eventually graduate from UNC-Chapel Hill with a degree in psychology. When Laura was in college, she worked at the same Baskin-Robbins that gave me my first memories of ice cream. Duke University is just eight miles from the UNC campus, and Laura and Michael saw each other often. They still loved one another, but their romance gradually evolved into a sturdy friendship.

Laura remained in Chapel Hill, and for a time lived just a few blocks from my home on Lyons Road. Turns out, when Laura and her husband Eddie Shenkman sold their home, my stepmother represented the buyer. Our family paths crossed again when Laura went to work in the same department as my father Don at the UNC School of Medicine.

Before his adoptive parents named him David Warren Madison, he was known as "Baby Boy S." The "S" stood for Sweeney, his birth mother's maiden name. Later, Baby Boy S was given another code name: Arthur Durham.

I turned off the light in my office and headed toward home. It was evening and I was driving when my cell phone rang. I answered and a voice from the past said, "This is your mother."

My birth father Michael remained in Chapel Hill as well. He received his master's in social work there, before moving to the coast of North Carolina. Years later, he moved again, this time to Knoxville, Tenn., where his family had roots.

It was in Knoxville, not long after completing his Ph.D. in psychology at the University of Tennessee, that Michael was diagnosed with terminal skin cancer. He died at home in 1992, passing away in the little ranch house he'd fixed up for his wife Sarah and daughter Mary.

I didn't know any of this when, for reasons that baffled my ski town friends, I moved to Knoxville in 1999. That year, my father—my adoptive father Don—was having health problems of his own. I wanted to be closer to him and my family in Chapel Hill, so I quit my job in Park City, Utah, put my skis in storage and took a job at *Metro Pulse*, Knoxville's alternative newsweekly.

A couple of years went by, and I was offered another newspaper job. This time the call came from Durham, where the North Carolina *Independent Weekly* was looking for an editor. I packed up my little ranch house in Knoxville and moved home.

Once I settled in at the N.C. *Independent*, I started to dust off the notion of tracking my birth parents down. I'd thought about it before, but never seriously enough to launch a real search. I already knew a little bit about my origins, because as strict as the rules are in North Carolina, the state does allow adoptees to access what's known as "non-identifying information" when they turn 18. The quantity and quality of this information depends on the willingness of the

birth parents to reveal themselves. Michael and Laura were apparently willing to share, and the social worker handling my case took copious notes.

When I sat down to study these notes, I found out that I had one uncle who was a yogi monk and another who fought in Vietnam. The latter was 32 at the time of my birth, and a graduate of the U.S. Naval Academy. The non-identifying information also revealed that my birth father was 19 at the time, and a student at an unnamed local university.

From my office at the N.C. *Independent*, I phoned Durham County Social Services in April of 2002. I got the social worker in charge of my file on the line and leaned on her just enough to make her admit that yes, the unnamed local university was Duke.

I then went to the Duke University archives and retrieved a list of all the freshman for the school year 1969–70. I then took those names and matched them with four years' worth of names from the graduating roster at the U.S. Naval Academy. I figured that if my uncle was 32 in 1970, then he probably graduated from the Academy sometime between 1958 and 1961. I also knew he was a U.S. Marine, in the artillery, and that he'd gone on to get a master's degree.

If these clues were intentionally left by my birth father for me to find in my non-identifying information, then he's who I should thank for the phone call I placed in early June of last year. After matching the names between the freshman roster at Duke and the lists of graduates from the Naval Academy, I narrowed my search to a single phone number.

It was late afternoon when I dialed it.

"Hello."

"Hello, my name is David Madison, and, well, I'm working on something I think you can help me with. I was wondering if you had a brother who went to Duke University."

"Yes, that's me."

"Well, there's a chance that I could be your nephew."

On the other end of the line was Col. James Tinsley of Vienna, Va. Col. Tinsley didn't know about me. None of the Tinsleys did, none except Sarah Tinsley, Michael's widow. Col. Tinsley put me in touch with Sarah, which was easy, given that she lived just a couple miles away from my house in Carrboro, a small town adjacent to Chapel Hill. She was remarried and living in a home built by one of my best friends from high school.

Sarah knew my mother: Her name was Laura Shenkman, and she too lived in the area.

It was time to make another call. But this time I softened the surprise by calling Laura's sister first: I found her name through my grandfather's obituary: Elizabeth Shaver, also of Carrboro.

The first time I called, I asked for Elizabeth, and thinking I was a telemarketer, Liz hung up. I called back, asking for Liz, and stammered something about Michael Tinsley. I can't remember exactly what I said. But I do remember Liz's reply. She said, "I know who you are."

Liz offered to call Laura, who lived with her family in Durham. She couldn't say when I might get a call back.

I turned off the light in my office and headed toward home. It was evening and I was driving when my cell phone rang. I answered and a voice from the past said, "This is your mother."

Laura sounded frayed and teary. She told me that she's always loved me.

That was a little more than a year ago. Since then, I've grown very close to Laura and her family. I've listened to stories about her childhood trips to Montana, where her father—Thomas Sweeney—was raised. And over the last year, I've scratched at my family history in Montana, a place I was drawn to by my fiancée, not knowing the depth of my roots here.

On the Sweeney side of the family is a distant uncle, a man named Thomas Cruse. He has a street named after him in Helena, where Cruse—an illiterate miner-turned-millionaire—helped build both the state capitol and Roman Catholic cathedral.

On the other side of family, there's my great-great-grandfather Charles Witcomb. He was also a miner, one with the dubious distinction of having profited from the environmentally disastrous gold mines around Zortman and Landusky. When he arrived in Montana in 1886, Charles "Gritty" Whitcomb hustled for money by running in foot races, boxing and playing poker. In fact, just a few days after his wife Katie B. arrived in Montana from Wisconsin, great-great-grandpa Charley borrowed his new bride's last $50 and returned the next morning with a wagonload of furniture he'd won in a card game.

Chance, it seems, figures big in my story.

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Before moving to Montana last summer, I stopped in Knoxville. There I spoke with a writer friend of mine, a guy named Jack Neely who worked with me at *Metro Pulse*. He told me a few things about my birth father, about how he and Michael had been neighbors—two young men raising families in an old, stuffy Knoxville neighborhood. They were some of the only guys on the block who rode the bus into town. Jack remembers Michael on the bus. He remembers Michael riding with his daughter—my half-sister Mary. They always got off right by the campus day care, holding hands and strolling up the sidewalk. Jack says Michael was a great guy.

When I arrived in the Flathead last August, these little snapshots and so many others flickered through my head like face cards in a loosely shuffled deck. I needed to talk to other adoptees, so I started calling around, looking for others like me—people who had recovered some piece of their past, or were still on the hunt for vital details.

What I found out was this: Montana's adoption law is more open than North Carolina's, but it still leaves something to be desired. And it's desire that drives those touched by adoption. The desire to be a parent. The desire that your child have a better future. The desire to simply know your own history.

It's at these starting points that the following stories begin.

Between 1976 and 1980, Maureen Hansen and Virginia Mitchell saw one another almost every day. Maureen worked at the First Bank of Bozeman on Main Street. Her desk was next to the vault cage, in which business owners and managers made daily deposits.

Virginia was a manager at the Ramada Inn. She was a sharp dresser, and strolled up to the teller window most workdays. "It's funny, I remember Gini because she always wore high heels. She always dressed up," says Maureen, who now lives in Missoula.

There at the teller window, the two would exchange small talk and make each other laugh. At the time, Maureen was a young wife, working while her husband completed his engineering degree at MSU. The couple lived just outside of town at the King Arthur Trailer Court.

Virginia also lived in the area. She was divorced, and a close friend of Maureen's boss at the bank.

The two got along like girlfriends, even though Virginia was old enough to be Maureen's mother.

Which, in fact, she was.

No hints were ever dropped, no clues were ever inadvertently revealed, but the possibility of a surprise reunion was always lurking while Maureen and Virginia chatted away at the bank.

"All she [would have to] have done is comment on the flowers the bank sent me every year on my birthday, and it could have been very interesting," says Maureen, recalling the strange tale of how she discovered the identity of her long-lost birth mother.

Virginia Mitchell had been 20 years old when she put her daughter up for adoption. The exchange was arranged by a doctor in Missoula, who placed Maureen with the family of a nurse at St. Patrick Hospital.

Maureen had been just an infant then, a child Virginia conceived with a boyfriend from Spokane. When Virginia told the boy she was pregnant, the news brought their relationship to an abrupt end.

Twentysomething years later, when Maureen was living in Bozeman, she started to think about finding her birth mom. "It's hard to put a word to 'curious.' *It's so much more than that*," she says. In Bozeman, Maureen spoke to a local doctor about conducting a search for her birth family. Typical of the times, the doctor told her that wasn't a good idea.

"You just don't want to ruin somebody's life just to find out who you look like," he told her. "That's kind of the old school," Maureen explains,

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That day, on the phone, they realized they knew each other already—from the bank years before. Within a week, the two were embracing in the Prime Rate's parking lot. The moment was reported in the local press and everyone was all smiles.

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thinking back. "The way they thought."

But Maureen couldn't contain her curiosity. Like many adoptees in Montana, she continued to dwell on her biological roots. Finally, in 1992, her adoptive mother wrote to a judge in Vancouver, Wash., where Maureen was born. The letter produced documents that included her birth mother's maiden name.

"Within a week," says Maureen, "my [adoptive] mom and I found her."

Maureen phoned her birth mother where she worked—at the Prime Rate Motel in Bozeman.

"My heart was going *woo, woo, woo*," says Maureen, who addressed Virginia by her maiden name.

"I didn't know what to say," continues Maureen. "You just go dry-mouthed. Then, I said, 'Well, maybe you know why I'm calling.' She said, 'No, no.' And I said, 'Well, my birthday is Aug. 15, 1952.'"

Right then, both mother and child started to cry. Virginia told Maureen that she'd thought about her every day.

That day, on the phone, they realized they knew each other already—from the bank years before. Within a week, the two were embracing in the Prime Rate's parking lot. The moment was reported in the local press and everyone was all smiles.

For Maureen and Virginia, the meeting produced a new relationship with an old acquaintance. Virginia was comforted to hear that Maureen had enjoyed a happy and healthy childhood. Maureen was thankful to learn about a family history of breast cancer. Simply knowing the other brought peace of mind to both.

Today, 10 years after their reunion as mother and child, that comfort remains. But Virginia and Maureen aren't extremely close. Maureen describes the relationship as friendly, but distant.

"There is awkwardness," says Maureen. "Maybe it was just me. You go into it expecting to have a closeness like I have with my family, and you know, it's different. It's a different kind of closeness."

Different, awkward, beautiful: However things turn out, Montana's adoption law exposes adoptees to these possibilities by granting access to birth records. But the process is governed by a confusing and inconsistent set of rules.

These rules are supposed to manage reunions between adoptees and their birth parents. The laws succeed to a point, but many adoptees—and the social workers who handle their cases—wish Montana's law were more open.

Everyone agrees that with openness comes risk. Secrets are revealed. Families are disrupted. Lives are changed—often for the better.

But as it's written now, Montana's law assumes the worst. The statute attempts to smooth a process that is inherently difficult. Because, as Maureen explained to me, when it comes to reuniting adoptees and birth parents, "There's no easy way around it."

The story of Montana's current adoption law begins in the 1960s, when states around the country began to clamp down on access to adoption records. The Montana Legislature took up the issue in 1967. Following the national trend, it moved to seal all information about birth parents and children put up for adoption.

"There was a theory at the time that a child became better integrated when records were sealed," explains Kimberly Kardolfer, an adoptive mother and assistant attorney general who later helped re-write Montana's law in the 1990s.

Kardolfer was part of an adoption support group in Helena in 1995, when the open records issue began to heat up again.

"I got wind of the fact there was going to be an effort to pass the Uniform Adoption Act," says Kardolfer. Ostensibly an effort to streamline and improve adoption procedures, the Uniform Adoption Act was proposed to state legislatures around the country.

After researching the proposed law, Kardolfer feared the Montana Legislature would use the uniform code to further tighten the state's seal on adoption records.

On one pro-adoptee Web site, the Uniform Adoption Act is derided as "virtually ensur[ing] that no exchange of information, even between willing parties, will be made."

As legislatures around the country began considering the Uniform Adoption Act, groups like the Child Welfare League of America and the National Association of Social Workers rose up in opposition.

In Helena, Kardolfer joined a group of adoptees, birth parents, social workers, politicians and adoptive parents on an adoption taskforce. Many on the taskforce felt that the Uniform Act was written in a climate of fear and ignored the benefits of openness. Kardolfer wanted something different for Montana.

"They had all these horror stories about people committing suicide after adoptees showed up on their front door," says Kardolfer. "I think secrets are bad," she adds. "Secrets destroy trust. I just think that it's best to be open and honest. There are risks in that, but there are risks in everything."

Kardolfer continued to study the issue. Taking cues from the taskforce, she helped draft a new adoption law, which the Montana Legislature passed in 1997.

The new law allows anyone born before 1967 or after 1997 to access an original birth certificate once they turn 18. For those born between '67 and '97, the state provides a confidential intermediary between adoptees and birth parents.

Vikki Vice, who placed a child with an adoptive family 15 years ago, now works as one of Montana's two confidential intermediaries. She's an employee with Lutheran Social Services in Great Falls, which contracts with the state to provide adoption services.

Every year, between 500 and 700 children born in Montana are formally adopted through the state court system. Of that number—which includes the adoption of stepchildren and foster kids—over 100 are infants placed in new homes. There's no telling how many adoptees or birth parents may eventually come searching for a reunion. Currently, the number is fairly low.

Vice says she performs about a dozen searches every year. For children born between 1967 and 1997, says Vice, the state requires that at least one letter of contact be passed through an intermediary. If both parties agree to a reunion, then Vice provides specific contact information.

"My job isn't to talk somebody in or out of this," explains Vice, who says reunion experiences mostly turn out to be positive. She thinks the intermediary system is Montana's way of recognizing the upside of opening adoption records: "Finally, they figured out that birth moms weren't these scary things who wanted to take their children back."

The adoptee activist group Bastard Nation agrees, but is strongly opposed to the use of intermediaries. On its Web site (www.bastard.com) the group argues that, "Some birth parents, who would otherwise welcome contact with their lost children, will decline the opportunity if it must be with social work supervision."

Groups like Bastard Nation also oppose the clause in Montana's law that allows birth parents to seal all identifying information at the time of "relinquishment." In those cases, an adoptee must receive a court order before the records are opened.

Only Alabama, Alaska, Kansas, Oregon and

Tennessee offer full access to adoption records. In Montana, social workers at Catholic Social Services and Lutheran Social Services, along with staffers in the state's Department of Public Health and Human Services, wish the statute did more to help birth parents and adoptees searching for long-lost relatives.

Lynda Korth, who manages adoption programs for the state, believes that restrictive laws have "created a lot of problems. People have that void inside them where they don't really know who they are."

Kalispell attorney James Vidal thinks the state should try to fill that void, but not at the expense of birth parents who were told their records would be sealed.

Vidal helped draft the Uniform Adoption Code, which he insists was not nearly as restrictive as its opponents made it out to be.

"It's my opinion that some very good people tried to re-write Montana's adoption law," says Vidal. "They, for whatever reasons, chose not to take advantage of the work that had already been developed by people working on the Uniform Adoption Code."

However it's done, prying the lid off laws that restrict access to adoption records will always be a touchy process. That's because for every opened record, there's an emotion-packed story ready to unfold.

When adoption records started to be sealed in the '60s and '70s, "The whole thing was tinged with shame," says Rashel Jeffrey, a licensed clinical social worker in Missoula. "It was shame-based."

In recent years, Jeffrey says she's seen "a lot more contact between birth parents and adoptees."

"The more open they are, the more healthy they're going to be," says Jeffrey, adding, "But it's tricky, because there are all these feelings. There are so many different variables."

Every adoptee has a particular story. Their emotions are as unique as the genetic make-up they're trying to decode.

In the search for answers, some adoptees log onto the Internet or join support groups. Others, like Sen. Jeff Mangan (D-Great Falls), stumble upon their birth information by accident.

It happened when Mangan was in high school. He was out on a date, at a park in Helena. That's when the girl he was with said, "We've got a lot in common. We're both adopted."

Mangan's jaw dropped. He stared at his date blankly and said, "No I'm not."

Apparently, the girl had heard through a local hairdresser that the Mangan twins were adopted. Jeff continued to deny that he was anything other than his parents' natural-born child. He graduated from high school and went off to college still wondering.

Then, during the summer after his freshman year, he was in the basement with his dad.

"I was walking down behind him in the clutter," recalls Mangan. "It was spur of the moment. I had to get it off my chest. So I asked him."

Mangan's father said yes, it's true, you're adopted. Keeping it a secret was what some social workers recommended back then. They thought it would help the children to adjust better.

Years later, Mangan went looking for his birth parents. He learned that he was born at Holy Rosary Hospital in Miles City, where, Mangan says, "They dumped pregnant Catholic girls."

Mangan had no luck finding his birth father. He was able to track his birth mother's family to Indiana, but "She never wanted to meet me." The lingering shame, he says, was too much for her to overcome.

"She's also had a lot of loss in her life," says Mangan, detailing his birth mother's rocky times in and out of marriage.

Mangan has contacted some of his birth relatives, who provided him with a few details about his lineage, but scant information about his family's medical history.

"To this day, I hate going to the doctor," he says. "They always ask about genetic problems. I have to leave it blank. That's terrible."

Medical histories are a big deal. Their importance is obvious to anyone, no matter how they feel about adoption laws and access to birth records. What's not so obvious are the little things, the inherited mannerisms and idiosyncrasies that non-adoptees take for granted: The way we laugh, the way we walk, the way we look in glasses. Last summer I opened the door for my Aunt Liz, and she gazed back at me speechless. In my face, framed by a new pair of specs, she saw her father—my birth grandfather.

Back in Chapel Hill, my birth Uncle Charlie lives down the street from an old friend. We have similar hairlines and jowly profiles, and every time my friend sees Charlie out in his yard, he does a double take, thinking it's me.

For these little resemblances, I'm thankful. They're a new joy for me—one many adoptees have yet to experience.

I've spoken to a short adoptee who was told by the state of Ohio that his father was tall. I've listened to a 56-year-old adoptee in Missoula sigh at the prospect of never finding her birth mother, even though she knows her name. "It's like she's fallen off the face of the earth," she says.

Then there's the adoptee from Bozeman whose birth mother hung up on her during their first conversation. Another adoptee I know recently found her birth mother, and the birth mother wants to meet her daughter—but not until September. The wait is already heartbreaking.

And finally, there's Maureen Hansen and Virginia Mitchell: A mother and child who once thought they were nothing more than casual acquaintances.

There was an easiness between them then, back when Maureen worked at the bank on Main Street in Bozeman and Virginia came in to make daily deposits. Now they are related, and the easiness is no longer there.

As Maureen told me, there's nothing easy about any of this: the not knowing, the reunion and the life afterward. That's why I think it's futile to think that laws can really help adoptees and birth families cope. We're talking about the most complex experience of our lives: the relationship between children and their parents. Is it really possible to wrap a law around that beautiful mess?

Today, I have two sets of parents: my real parents—Don and Bev—and my birth parents, Michael and Laura. I love them all, none more than the others, neither in a way I can fully describe.

In an e-mail my birth mother Laura sent the day after we met for the first time last summer, she tried to explain to me how she felt. The message brought a little clarity to something that I'm still struggling to understand. She wrote: "Having you and then giving you up has made me who I am today. You have always been a part of my soul...Seeing you yesterday brought happiness to an experience that has caused me nothing but sadness and pain for the past 32 years...I don't know what the future brings but I could not end our meeting without saying these words to you."

Separated at birth? Well, yes, these two were. The older man (above) is Dr. Thomas Sweeney, a Montana native and the biological grandfather of David Madison (below center).