

MINUTES

MONTANA SENATE
51st LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: By Chairman Bruce Crippen, on February 3, 1989, at 10:00 a.m. in Room 325.

ROLL CALL

Members Present: Chairman Bruce Crippen, V. Chairman Al Bishop, Tom Beck, Mike Halligan, Bob Brown, Joe Mazurek, Loren Jenkins, R. J. "Dick" Pinsoneault, John Harp and Bill Yellowtail.

Members Excused: None.

Members Absent: None.

Staff Present: Valencia Lane, Staff Attorney and Rosemary Jacoby, Committee Secretary

HEARING ON HOUSE BILL 260

Presentation and Opening Statement by Sponsor:

Representative Robert C. Clark of Ryegate, Representing District 31, opened the hearing stating that its purpose was to eliminate a loophole sometimes used by drivers from other states whose drivers license has expired or been revoked. The bill would provide that the driver was guilty of a misdemeanor if he was cited driving a motor vehicle or commercial motor vehicle while the license is suspended. He said the change occurs on line 17 where the following words are added: "in this or any other state." He urged the committee to pass the bill.

List of Testifying Proponents and What Group they Represent:

Peter Funk, Assistant Attorney General, working for the Department of Justice

List of Testifying Opponents and What Group They Represent:
None.

Testimony:

Mr. Funk appeared to voice the department's support for the bill. He said it was a clarification bill in answer to numerous requests from county attorneys. Driving when a license has been suspended or revoked is one of the more serious violations, he said, and he felt the loophole should be closed to aid in the prosecution of out-of-state drivers who have been arrested for it.

Questions From Committee Members: There were none.

Closing by Sponsor: Representative Clark asked for the committee's support for the bill and closed the hearing.

DISPOSITION OF HOUSE BILL 260

Discussion: It was the consensus of the committee that its members were ready to act on the bill.

Amendments and Votes: There were none.

Recommendation and Vote: Senator Beck MOVED that House Bill 260 BE CONCURRED IN. The MOTION CARRIED UNANIMOUSLY. Senator Crippen announced that he would carry the Bill.

HEARING ON SENATE BILL 255

Presentation and Opening Statement by Sponsor: Senator Gary Aklestad of Galata, representing District 6, opened the hearing with the distribution of printed material to dramatize the situation which prompted the introduction of the bill. He said it was a citizens rights bill which would allow the highway patrol to do the job which he people of Montana feel they already have the right to do. Under present law, he said, the highway patrol does not have that right. When labor disputes cause highways to be blocked, citizens have been prevented from getting to their homes and to other towns, he said. Labor disputes are the only instance in which the highway patrol cannot clear the blockage of the highway, he stated. He felt that labor was being given preferential treatment and felt there was discrimination shown against the citizens of Montana. Many people who had intended to testify had not been

able to, he said, because of the severely cold weather being experienced in the state. He asked the committee to have an open mind and give the highway patrol the authority they needed to keep highways open.

List of Testifying Proponents and What Group they Represent:

Rep. Marian Hansen, Ashland, District 100
Marc Racicot, Attorney General of Montana
Jim Mockler, Executive Director, Montana Coal Council
Tom Schneider, Montana Public Employees Association and
the Montana Highway Patrol
Don Ingels, Montana Chamber of Commerce

List of Testifying Opponents and What Group They Represent:

Don Judge, AFL, CIO of Montana

Testimony:

Rep. Hansen said there had been a roadblock in her area last Fall (see Exhibit 1, page 5) at which time residents were not allowed to drive through to a town in Wyoming to conduct business. The sheriff's department and the highway patrol were unable to clear the highways due to state law. She urged the committee to vote for the bill.

Mark Racicot said he appeared at the request of Senator Aklestad. He said he was aware of the historical perspective that the bill focuses on. He said his wish in addressing the bill was purely from a law enforcement perspective and had no intention of speaking to the other issues related to the blockages. Local law enforcement officials need to be able to call on the highway patrol to maintain traffic flow in an orderly fashion. He said he had asked Col. Robert Griffith, of the Highway Patrol, to be available for questions if the committee wished.

Jim Mockler, said that small counties have limited sheriff's departments who are unable to control this type of problem. People who had nothing to do with the strike were prohibited from going about their business. The road blocks were only set up in Montana, he said, because the Wyoming highway patrol would clear the highway. He noted that in the recent emergency in Helena, the highway patrol assisted local officers in directing traffic or whatever was needed and thought small county sheriffs should be able to call on them in this type of situation to clear the highways.

Tom Schneider said the people he represents were on record the last time this bill was in the legislature and still supported it. The highway patrol does not want to be involved in the strike, he said, just to keep the highways open. He expressed some concern about the language on the second page requiring the patrol to get permission from the attorney general in any case of an obstruction. However, he has talked to the sponsor who said the attorneys in the council said nothing has been taken away from the current statute. He asked the committee to scrutinize that wording.

Don Ingels said that the Montana Chamber would like to see the law passed to clarify this section of the law.

Don Judge opposed the bill as a representative of the Montana State AFL CIO. He apologized for not having any written testimony, but said his office had been closed because of the explosion near Carroll College, as well as the cold weather closing his office. He said the bill was unnecessary, that there were few blockages and that most contracts were settled without strikes. He thinks the bill is a precursor to setting up a state police force. Present law was enacted so that the highway patrol would not get involved in strike disputes, he said. He said only management was appearing as proponents, not public interest groups. He asked if there was a gathering of strikers not blocking the highway and the highway patrol was present to keep the peace what might happen. He said they are not trained to deal with volatile personalities that might be present. He said the Montana State Building and Construction Trades Council were not able to attend but would send in testimony, he stated. He thought the state had managed without a state police force and asked that the law be left in its present form.

Questions From Committee Members: Senator Yellowtail referred to page 3, line 12 where the bill states "take any action", he wondered what that might entail. Lt. Col. Bob Griffith said they dealt with a situation as it needed to be dealt with. He told of a truckers strike in 1981 in which semis blocked the road. He said that wreckers moved some cars, but were reluctant to remove the trucks because truckers were customers. As a result, the highway patrol approached the national guard about using their tank retrievers, and they removed the trucks clearing the highway.

Senator Yellowtail asked if people would be reprimanded or arrested under the bill and Lt. Col. Griffith answered yes, that any resources would be used to get the job done as peaceably as possible.

Senator Pinsoneault commented that President Reagan was recently notified that he may be required to testify in the Ollie North trial and that even he was not above the law. Should there be an exception to a labor dispute in highway blockages, he asked. Mr. Judge said the question was whether or not the power of government should be brought into labor negotiations. He referred to a strike situation in Arizona in which highway patrolmen were used, dressed in riot gear, to escort workers into a factory. He contended they should not be used in this way.

Senator Harp asked about "keeping a public peace" regarding strikers on the side of the road as far as the highway patrol would be concerned. Mark Racicot said the range of response could be from arrest to removal of an obstruction from the highway. They would act as they would in any other situation to provide public safety under the circumstances that prevail at the time, he said. He said he did not see this bill as an anti-labor bill and thought anyone seeing it in that way was taking up a historical battle that had no significance to the present.

Senator Mazurek said the bill should be clarified as to whether it is just to keep the highways open or whether it is a broad, carte blanche authority to bring out 15 officers to assist in a labor or some other dispute. Mr. Racicot said it wasn't the department's idea or bill, but was there to tell the committee their definition of the bill's parameters. He read the bill simply as authority to assist local officers to keep the highways open. He said there are 200 highway patrol positions with 16 unfilled at the present. And, he said, he found it difficult to picture a call going out for help and a band of 50 officers showing up in a state as large as Montana. His idea of the bill was that, if the 2- or 3-person sheriff's staff needed assistance, the one (1) highway patrolman in that area would be allowed to do so.

Senator Crippen referred to "request for assistance" being referred to the attorney general or "his

designee, who shall promptly authorize" highway patrol involvement. He asked the attorney general if it gave him the discretion to be involved. He also asked what would be the course of action if the attorney general felt there should be no involvement. In the wording, said Senator Crippen, it gave the attorney general no discretion. Mr. Racicot agreed that there was no need for the request to the attorney general with the word "shall" in the bill. He said "shall" should be "may" and "and" should be "or" in the bill. He said the sheriff has the authority to remove obstructions, and that a private citizen could be asked for assistance in the case of a labor obstruction, but that the highway patrol could not be called in.

Senator Crippen asked if a farmer and his wife were on their way to the hospital and came upon a labor dispute road blockage, were the rights of those persons secondary to the labor dispute. Don Judge said that, in the past if local residents wanted passage, the strikers were amiable about it and would let them through.

Senator Crippen asked who would make the determination to let them through -- was there someone in charge who was capable of making a rational decision. Mr. Judge said he hoped so, but in labor as in management, there were different personalities. He commented that labor didn't win strikes if the public was on the opposite side. He said that, in the case of the Decker coal company blockage, it seemed that the local law enforcement seemed to be on the side of the company and wanted to escort replacement workers through to do the business of the coal company. He added that workers are upset if somebody takes their jobs. He understood that local residents were intimidated by the blockage, but had been allowed to go through if they tried.

Sen. Crippen asked Mr. Judge if he was comfortable making the decisions of who should or should not pass. Mr. Judge said he would be more comfortable with local officers handling the situation than if there was a creation of a state police force. He said when the bill was introduced in a previous session that the attorney general had opposed it and that it was a worker-company divisive issue politically inspired.

Senator Beck said, if there was a riot at the prison in Deer Lodge, wouldn't the highway patrol have the right

to assist. Mr. Racicot said that was true across the state of Montana. He said there were 1900 full-time law enforcement officers for 150,000 square miles, so it was necessary to utilize every resource available. Even without formal, written agreements, there was cooperative aid given.

Senator Beck asked what agency normally cleared a non-labor, highway obstruction. Mr. Racicot said the highway patrol by custom and tradition, but that there was nothing to prevent the sheriff from responding as chief law enforcement officer of the county.

Senator Beck asked if the attorney general was contacted for permission for this type of obstruction, and the answer was no.

Senator Beck asked if it was only the one type of obstruction that required the attorney general's intervention, and the attorney general said yes. He felt the reason was because of the historic battle between the two sides. Senator Beck felt it was inefficient to require the permission of the attorney general to clear the highway. He thought the patrol should have the authority to tell the strikers to get off to the side of the road with the strike.

Senator Halligan referred to the portion of the bill which mentioned "impassable" saying the highway might be passable; but that, with strikers on both sides, there might be a consideration made as to public safety. Mr. Racicot said the wording was from a law placed on the books in 1971. He agreed there was a possible problem with it, but said he didn't have the solution.

Senator Pinsoneault said, if a law enforcement officer requested help from an ordinary citizen in making an arrest and was denied, would the person who refused be guilty of a misdemeanor. Mr. Racicot answered yes.

Senator Yellowtail said that, in a case where help from one officer was not adequate, wasn't it imaginable that several could be brought in. Mr. Racicot said yes, it was imaginable.

Senator Crippen said he felt that the "discretion" portion of the bill should be tightened up as well as the "designee" wording in the bill. He asked who would

be the "designee" and was told by Mr. Racicot it would probably be the assistant attorney general.

Senator Beck asked if the chief of the highway patrol could be the designee and Mr. Racicot said he would be comfortable using him as designee.

Senator Bishop asked how many times since 1936 when the law had been enacted, had it been invoked. Lt. Col. Griffith said very rarely.

Senator Yellowtail commented that none of the sheriffs or others involved in the Decker road blockage had been present for testimony. He hoped the bill would not be acted upon until such time as the people involved could be present for input. Chairman Crippen agreed.

Closing by Sponsor: Senator Aklestad said he was sorry to see red flags appear when this bill was heard. He said the highway patrol had authority in "all other instances" to keep the highways open to travel. He disputed some statements Mr. Judge had made about the proponents of the bill at a previous legislature. He also said he didn't wish to talk about the good or bad of strikes. As to the Arizona incident, he said that was not relevant as the strikes were not on the highway, but were at the plant site. But, in Arizona, the highway patrol had authority to exercise their authority at the plant site as well as on the highway. Under this bill, unfortunately, he stated, highway patrol would still be expressly forbidden to exercise authority at the plant site, and that preferential treatment was still being granted to the unions. He also disputed statements made that the general public had been allowed passage and referred to the last page of Exhibit 1. He emphasized that this is the only case in which a local peace officer is required to ask for help from the highway patrol to assist. He said question had been made regarding changing "shall" to "may." He felt that had been taken care of on page 1, line 14 -- "may make an arrest". He closed the hearing.

HEARING ON SENATE BILL 293

Presentation and Opening Statement by Sponsor: Senator Joe Mazurek of Helena, representing District 23, said he was sure that all present were aware of the hate groups present in the Northwest, such as the white supremacist organization at Hayden Lake, Idaho. Many groups had, he said, designated the northwestern part of the United States at their homeland. The citizens feel they have a right to protect against this, he said. Helena was recently informed that a group of this type intended to establish their headquarters here and a task force formed in an effort to discourage it. That task force, he said had been instrumental in the drafting of this legislation. Senator Mazurek referred to a book entitled, "Talked To Death" by Stephen Singular, saying it was a book about a Jewish talk-show host who had been murdered. The book pointed connections that people in Montana had with that murder, he said. One of the defendants who was ultimately convicted was found in Troy, shell casings from the murder were found in Troy, and one of men had resided in Bonner, MT. Washington and Idaho are taking a strong response to harassment and intimidation these organizations use. Because of it, many of these people are coming to northwest Montana. Rep. Elliott, former Senator McCallum, and Senator Rapp-Svrcek are all concerned about their area, said Sen. Mazurek. He distributed a partial list of extremist group activities in Montana (see Exhibit 2). He said that Montana needed to take a positive stand in telling these people they were not welcome, and he offered the bill as a response. The bill would make malicious intimidation and harassment a felony offense, and would provide sentence enhancement where other crimes are committed against a person because of race, creed etc. (see title of bill). He reviewed the bill and urged its serious consideration.

List of Testifying Proponents and What Group they Represent:

Representative Jim Elliot, Sanders County, District 51
and Sanders County Task Force
Peter Funk, Department of Justice
Tim Williams, president of the Task Force on Human
Dignity
Tom Lopach, himself
John Connors, County Attorney's Association
Mark Racicot, Attorney General, his office

Reverend David Orendorff, St. Paul's Methodist Church
Representative Angela Russell, Lodge Grass, Dist. 99
Mona Jamison, herself
Don Judge, 42,000 members of the Montana AFL-CIO

List of Testifying Opponents and What Group They Represent:

There were none.

Testimony:

Representative Jim Elliot, stated that Sanders county is concerned about becoming a headquarters for this type of organization. When a meeting was held at Noxon High School to address the issue, over 350 attended, indicating the grave concern to the community. He said the Aryan Nations community is just 20 miles away from the county. He felt the bill would send a message "loud and clear" to these groups. He said that many residents of the area had intended coming, but had been prevented by the cold weather. He distributed written testimony to members of the committee. See Exhibit 3.

Tim Williams said he was concerned about the convention of "skinheads" which was scheduled for April, 1989. He distributed a letter telling of the convention and documentation of serious acts of physical violence that had occurred in the Hayden Lake area. See Exhibit 4.

Tom Lopach, read written testimony into the record. See Exhibit 5.

John Connors said the Montana County Attorneys Association supports this kind of legislation and the concepts it espouses, that it believes the time is right and the need is there. For all the reasons already articulated and which would be articulated by other proponents, they urged passage of the bill.

Mark Racicot would like to point out three things, he said. He agreed there is a serious problem in Sanders County; this bill will specifically address the problems in one area of statute; and, third, it sends a strong message to the people involved that their activities are not going to be tolerated in Montana.

Reverend David Orendorff said he favored the bill, saying many members of his church were minorities who had

experienced discrimination in various ways. He said that groups such as the Aryan Nation espoused Christian ideology and his church wished to detach themselves from groups of this type.

Rep. Angela Russell, of Lodge Grass, supported the bill, saying malicious intimidation and harassment based on race is totally unacceptable. This issue, she said, is not new to the people of color in Montana or in this country. She urged favorable consideration of the bill.

Mona Jamison urged support of the bill. She said it is important that we indicate through our laws what our opinion is of the activities carried out by these groups. She thought there was urgency in passing the law before there were too many concrete examples of harassment. Even in the bill there is an acknowledgement of the rights of these groups to espouse their beliefs, but in carrying out acts of harassment, extension of their rights is gone. This law will to observe their rights and freedoms, and she felt it was befitting of Montana and her history.

Don Judge said he would like to speak for 42,000 members of the AFL-CIO to encourage passing of the bill. He said his group is active in the Northwest Coalition in Suppressing Malicious Harassment developed because of the Idaho situation.

Questions From Committee Members: Senator Pinsoneault asked if this bill gives a measure of protection to these groups that espouse the violent overthrow of the government that we might not want. Mr. Racicot felt not. He stated that the syndicalism portion of the law addressed that subject.

Senator Pinsoneault gave an example of a pro-life advocate spray-painting an abortion clinic and asked if that would be a violation of this law. Mr. Racicot said it possibly could be.

Senator Pinsoneault said he could see a possibility of more prosecutions and a need for more prosecutors. Mr. Racicot said he didn't see it as a major problem. He did see a need to address this specific situation.

Senator Halligan asked if anyone knew of challenges in court regarding freedom of speech and how that might be addressed in this bill. Senator Mazurek said he didn't know of any challenges in Idaho or Washington.

Senator Bishop asked if he hit Sen. Yellowtail, would it be misdemeanor assault and Senator Mazurek answered yes. Senator Bishop said if he called him a name and hit him, would it then be a felony. Senator Mazurek said it would, if the name calling showed you were hitting him because of his race, creed or other stipulations of the bill. Senator Bishop asked Senator Mazurek if it would be a felony to call him a damned Catholic. Senator Mazurek said it could, although there is some discretion allowed. He noted that much of the recruiting for groups of this type is done in prison. Senator Crippen said if a person had a history of being discriminatory, that would be taken into account.

Senator Pinsoneault said, as a former trustee of a school board, he knew of a lot of requests for home schools for families in these groups. Senator Mazurek said the home school statute is fairly liberal, but didn't know how it could be addressed in this bill. The main thing this bill attempted to do was keep their actions from infringing on others rights.

Closing by Sponsor: Senator Mazurek asked the committee to seriously consider passage of the bill. He closed the hearing.

DISPOSITION OF SENATE BILL 293

Discussion: After some discussion, it was the consensus of the committee to take action on the bill.

Amendments and Votes: There were no amendments.

Recommendation and Vote: Senator Brown MOVED that Senate Bill 293 DO PASS. The MOTION CARRIED UNANIMOUSLY.

HEARING ON SENATE BILL 291

Presentation and Opening Statement by Sponsor: Senator Crippen of Billings, representing District 45, opened

the hearing on the bill, saying it had been requested by the department of revenue. The bill repeals the public campaign fund act. He reviewed the bill.

List of Testifying Proponents and What Group they Represent:

There were none.

List of Testifying Opponents and What Group They Represent:

There were none.

Testimony:

There was none.

Questions From Committee Members: Senator Halligan asked where the funds came from. The provision from the fund was set by federal law, Senator Crippen said, but it was not being used. If a person donated to it, they could be eligible for a deduction for a contribution. The fund was distributed and could be used by a candidate except one who ran unopposed. No one was using the fund, so it was felt by Ken Nordtvedt that this part of the law needed to be cleaned up, said Senator Crippen.

Senator Pinsoneault asked if this contribution was over and above what a person could contribute to an individual campaign. Senator Crippen thought there was a limitation in 13-37-303, the code that dealt with the donation of a taxpayer, and he read from the code telling the details of donations and dispensing of the fund.

Closing by Sponsor: Senator Crippen closed the hearing.

DISPOSITION OF SENATE BILL 291

Discussion: There was none.

Amendments and Votes: There were none.

Recommendation and Vote: Senator Harp MOVED that Senate Bill 291 DO PASS. The MOTION CARRIED UNANIMOUSLY.

DISCUSSION ON SENATE BILL 138

Senator Brown introduced George Bennett, lobbyist for the Montana Bankers Association and the committee reviewed the "Proposed Amendments to Senate Bill No. 138" which was distributed on February 2, 1989.

Mr. Bennett said the bill was originally heard in Business and Industry Committee. When it came up on second reading, a problem developed with the language and the bill was rereferred to Judiciary to correct the problem. Mr. Bennett said he felt the Minnesota act would be the best vehicle. It enacted a companion section to the statute of fraud. Because Montana has already used the statute of fraud, he thought it might be best to make this a subsection.

The intent was to give lenders protection against a flood of claims of oral promises. Historically, he said lenders have been unpopular. The statute of fraud is not applicable, he stated. He reviewed and explained the amendments. He said that (3) should probably read "no action may be maintained" so it would work for both the creditor and the debtor. Definitions were read. Exclusion of promissory notes, sales and credit cards were noted. This would exclude small loans, but the threshold could be increased if the committee wished. The public utilities, sales and others who were concerned have been taken care of in these amendments, he said.

Senator Crippen asked if a borrower had any recourse, if he honestly felt there had been an oral promise. Mr. Bennett answered that no matter how careful the banker might be, he is still charged with "oral promises," and that was the reason for the bill. He said he was sorry there were no professional lenders present to express the need for the legislation. Senator Crippen said he wondered if the decision might be best left up to the courts. Mr. Bennett said the bill was less inclusive than the Minnesota act which addressed bad faith or a fiduciary relationship.

Senator Halligan referred to a case in which an offer of an exchange of land became a credit agreement. Mr. Bennett did not think that would fall under the definition of a credit agreement, nor would it fall under this bill. Senator Halligan referred to the case of First Bank vs. Clark.

Chairman Crippen said he felt the hearing should be

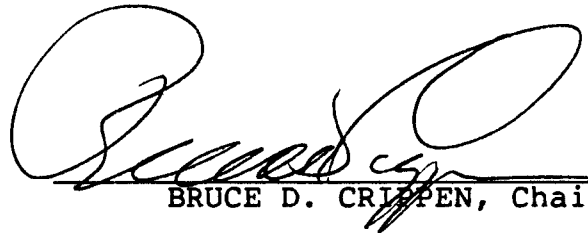
rescheduled so that professional lenders could be present. He said it would be rescheduled on Wednesday, February 8. (See Exhibit 6.)

DISCUSSION OF SENATE BILL 273

Staff attorney Valencia Lane distributed amendments for the committee to study. The chairman announced that further discussion and action would be taken at a future meeting.

ADJOURNMENT

Adjournment At: 11:58 a.m.



BRUCE D. CRIPPEN, Chairman

BDC/rj

minrj.203

ROLL CALL

JUDICIARY

COMMITTEE

51st LEGISLATIVE SESSION -- 1989

Date Feb. 3, 1989

NAME	PRESENT	ABSENT	EXCUSED
SENATOR CRIPPEN	✓		
SENATOR BECK	✓		
SENATOR BISHOP	✓		
SENATOR BROWN	✓		
SENATOR HALLIGAN	✓		
SENATOR HARP	✓		
SENATOR JENKINS	✓		✓
SENATOR MAZUREK	✓		
SENATOR PINSONEAULT	✓		
SENATOR YELLOWTAIL	✓		

Each day attach to minutes.

DATE

2-3-89

COMMITTEE ON

Judiciary

VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One	
			Support	Oppose
Robert E. Sullivan	Uniform Laws Commission	HB 123	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Charles B. WALK	Mt. News paper Assoc	SB 322	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Jan. Masquard	Society of Prof. Journalists	SB 322	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Don Puscen	Dept of Just	SB 324	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Nick ROTERING	" "	"	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mike Ferriter	" "	"	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Darrell Beckstrom	Motor Vehicle Div.	SB 123	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Garry Moserman	G Falls Tribune	SB 322	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Bud Hunt	Missouri	SB 322	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Allan Chronister	State Bar	HB 123	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Fred V. Valkenburg	Senate Dist 30	SB 322	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Bill Leary	Mount. Bankers Assoc	HB 123	<input checked="" type="checkbox"/>	<input type="checkbox"/>

(Please leave prepared statement with Secretary)

VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One	
			Support	Oppose
Don Ingels	MT Chamber of Commerce	SB 255	X	
MARC RACILOT	AG	SB 255 SB 293	X	
John Cannon	AG	SB 293		
COL Bob Dwyer	Highway Dept	SB 255	X	
Doreen Beckstrom	Dept. of Mts. Vehicles	SB 260	X	
Ken Toole	Self	SB 293	X	
Tom Spach	Self	SB 293	X	
Jim Elliott	HD 51	SB 293	X	
" "	SAUNDERS CO TASK FORCE	SB 293	X	
Peter Funk	Dept. of Justice	HB 260	X	
David Orendoff	St. Paul's United Methodist	SB 293	X	
Jim Mockler	MT. Coal Council	SB 255	X	
June MacTavish	Human Rights Div.	SB 293		
Don Judge	MT STATE AFL-CIO	SR 255		X
Marvin Carlson	Big Timber, self	SR 293 SR 255	X	
Don Judge	MT STATE AFL-CIO	SR 293	X	
Angela Russell	HD 99	SB 293	X	
Tim Williams	Task Force on Human Dignity	SB 293	X	

CASPER STAR TRIBUNE - Page 1

Strikers block road to Decker with 53 arrests

By JIM NEWSOM
Star-Tribune correspondent
and LIZ BRIMMER
Northeastern Wyoming bureau

SHERIDAN — Striking Decker miners blockaded the road leading to the mine and kept replacement workers from going to work for about six hours until Big Horn County, Mont., deputies arrested 53 protesters Tuesday afternoon.

About 175 striking United Mine Workers of America Local 1972 members and supporters Tuesday sat down on Montana Highway 314, the road most Decker Coal Mine personnel use to get to work.

The blockade stopped three busloads of Decker Coal Mine 7 a.m. shift replacement workers about 750 yards into Montana from proceeding to the mine site about two miles further down the highway.

"It is clearly illegal," Jeff Johnson, an attorney for Peter Kiewit Sons' Co., a co-owner of the mine, said Tuesday. The blockade violates a temporary
Please see BLOCKADE, A12



Striking miners lift arms and sing while blockading a road leading to the Decker Coal Co. mine in Montana Tuesday. Whitey Wells, the spokesman for the United Mine Workers Local 1972, stands second from left. Related photo on B1.

SENATE JUDICIARY
EXHIBIT NO. Solidarity
DATE _____

Dow down 50.56 points

2 settled with N end 'g Gas prices

By MATT WINTERS and ERICH KIRSHNEI
Star-Tribune staff writer

CASPER — Average natural gas prices will fall sharply in Casper and Riverton, but will slightly in Laramie and Riverton following settlement of two rate cases involving Northern companies.

Bills will drop 17.5 percent in Casper, Riverton and Lander following settlement of two rate cases involving Northern companies.

Winters will report on the settlement of two rate cases involving Northern companies.

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SENATE JUDICIARY

EXHIBIT NO. 12 p. 1

DATE 2-3-89

BILL NO. SB 255

li

NEWSPAPER COPY BILL

of looking out into the audience of Soviet and foreign reporters, he added, "Incidentally, Tass, why didn't you publish this?"

The suits come a period, both in Sovi relations and in the budget squeeze. When

SENATE JUDICIARY

EXHIBIT NO. 1, p. 2

DATE 2-3-89

BILL NO. SB 255

Blockade

Continued from A1

restraining order issued by a Montana judge that is in effect until Nov. 16, he said.

Johnson said he did not know if the blockade had affected work at the mine.

"I suspect that the answer is no, it did not. I just don't know that to be the case," he said.

Big Horn County Undersheriff John Ferguson said 53 demonstrators were arrested in a "trade-off" with strikers that if law enforcement did not arrest more than 53, the demonstrators would disperse.

Ferguson said those arrested were charged and arraigned for disorderly conduct by blocking the highway and obstructing law enforcement by failure to disperse.

Arrests were delayed because the justice of the peace was not present to process those charged, he said. Lance Peterson, who acts as the substitute Hardin, Mont., justice of the peace, was processing those arrested Tuesday afternoon.

Big Horn County authorities said they were hoping those arrested would post bond and leave the jail, which cannot hold 53 people. But none had done so by late Tuesday afternoon, he said.

UMWA Local 1972 spokesman Whitey Wells said the union will not post bail "for two or three days." He said that move is planned "to make the county foot some of the bills" related to the strike.

Ferguson said it costs about \$28 a day to house each inmate in the jail. Some of those incarcerated may be kept in jails in neighboring counties or in other buildings in Hardin, Ferguson said.

Miners and others supporting the strike, including many women, formed the human blockade, sitting on tarpaulins and garbage bags to stay dry on the fog-dampened highway. Two vehicles, one belonging to the union's chief negotiator Bruce Boyens and a second owned by a striking miner, also were used to block the highway.

UMWA Local 1972 president Larry Deeds admonished blockade participants to refrain from violence or using profanity.

"This picket is to further prevent Decker from breaking the law by bringing in scab workers," Deeds said through a bullhorn aimed at the buses parked about 200 yards south of the blockade. He also aimed his comments at a car in which private security agents hired by the mine's owners were video taping and photographing the incident.

Before any arrests were made, Big Horn County Deputy Randee Fulmer jokingly told several strikers he was taking dinner menu requests.

"I don't want no damn potpies," one striker responded.

"I'll take steak and lobster," said another.

Blockade participants throughout the morning sang and chanted union theme songs and slogans, including Woody Guthrie's "I'm Sticking With the Union," as well as patriotic songs including "The Star Spangled Banner."

At one point, some of the men removed their caps emblazoned with UMWA logos and the crowd recited The Pledge of Allegiance. Soon after a tattered American flag was secured on the radio antenna of one of the vehicles used in the blockade.

Various strikers also taunted Gary Baker, owner of the Omaha-based security operation, Baker and Associates, hired by Kiewit. Baker and his associate Sandy Mason testified against the union during the four-day Sheridan strike preliminary injunction hearing which concluded Monday.

"Sandy and Gary are lovers," several husky male striker voices

sang in loose harmony, to the tune of the ballad "Frankie and Johnny."

Other burly strikers surrounded the dark blue Ford Tempo in which Mason and another man sat video taping and photographing the blockade. The strikers partially covered the vehicle's front window with a blue rain slicker, and flashed a light into the video camera Mason was using.

Sheridan County Sheriff Bill Johnson was among the law enforcement officials overseeing the blockade and preventing strikers and reporters from getting close to the three busloads of replacement workers.

Terry Cohea, chief of staff for Montana Gov. Ted Schwinden, said state law enforcement could not act to open the state highway because Montana law strictly prohibits state highway patrol from becoming involved in labor disputes.

Any problem with roads, such as the union's demonstration, is the responsibility of local law enforcement, she said.

The UMWA Local 1972 strike against Decker Coal and parent companies Peter Kiewit Sons' and Nerco Coal Co. began Oct. 1, and stems from union demands for a three-year contract, limited subcontracting and better medical benefits. Union-management negotiations over a contract broke down in late September. Company officials say the union has made wage demands as well.

Tuesday's sit-down blockade is the second such demonstration by the union. Oct. 23 UMWA members and supporters blockaded Kiewit's Sheridan office complex. About 85 strikers were arrested on disorderly conduct charges.

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SENATE JUDICIARY
EXHIBIT NO. L.P. 3
DATE 2-3-89
BILL SB 22



Striking members of the United Mine Workers set up a blockade on the highway leading to the Decker mine Tuesday.

Officers break up coal-mine protest

From The Associated Press
and ROBERT STRICKLAND
Gazette Sheridan Correspondent

SHERIDAN, Wyo. — Striking Decker Coal Co. workers who blocked the highway from Sheridan to the company's mine for six hours Tuesday morning were charged with disorderly conduct, blocking a road and failure to disperse, Montana officials said.

The 56 United Mine Workers members arrested Tuesday were taken to the Big Horn County Jail in Hardin, officials said.

Big Horn County Sheriff Ed Whaley said that deputies reopened the road at about 1 p.m. It was closed by about 100 union members at 7 a.m.

The blockade of vehicles and miners remained in place through the morning despite Montana and Wyoming court orders forbidding the miners from blocking traffic to and from the Decker mine, in southern Montana 25 miles north of Sheridan.

Arrests at the scene two miles north of the Wyoming border took place largely without incident, Whaley said.

He said he believed that union members wanted to be arrested when they blocked traffic on Montana Highway 314, which is Wyoming Highway 338 south of the state line.

"They intend to get arrested, at least

that's what I think," he said. "We don't have the money to handle this. Our budget doesn't reflect this because it is something that happens once every three or four or five years."

Most of the arrested strikers were hauled to Hardin in a schoolbus. Law-enforcement officials quit arresting strikers after one bus was full and they were unable to find another bus.

Later officers hauled eight strikers to Hardin in their patrol cars and the remaining strikers dispersed. They vowed to return Wednesday, however.

Whitey Wells, a spokesman for the union, said "we are going to continue to disrupt the company until they give us a fair contract." Wells was among those arrested.

Big Horn County Undersheriff John Ferguson said strikers were booked into jail at Hardin and all pleaded innocent. No bond was arranged, he said, and he expected all of the arrested strikers to spend the night in jail.

The action, the latest event in the 34-day-old strike by about 270 UMW members against Decker, a joint venture of Peter Kiewit Sons and Nerco Inc. At issue in negotiations are a provision that would allow the company to subcontract jobs at the mine and changes in health benefits.



Gazette photos by Robe

Officers haul away a striking miner.

CASPER STAR TRIBUNE



Order to Border

mie woman dies
londay accident

RAMIE — A Laramie woman died Monday in an accident on the Wyoming Highway

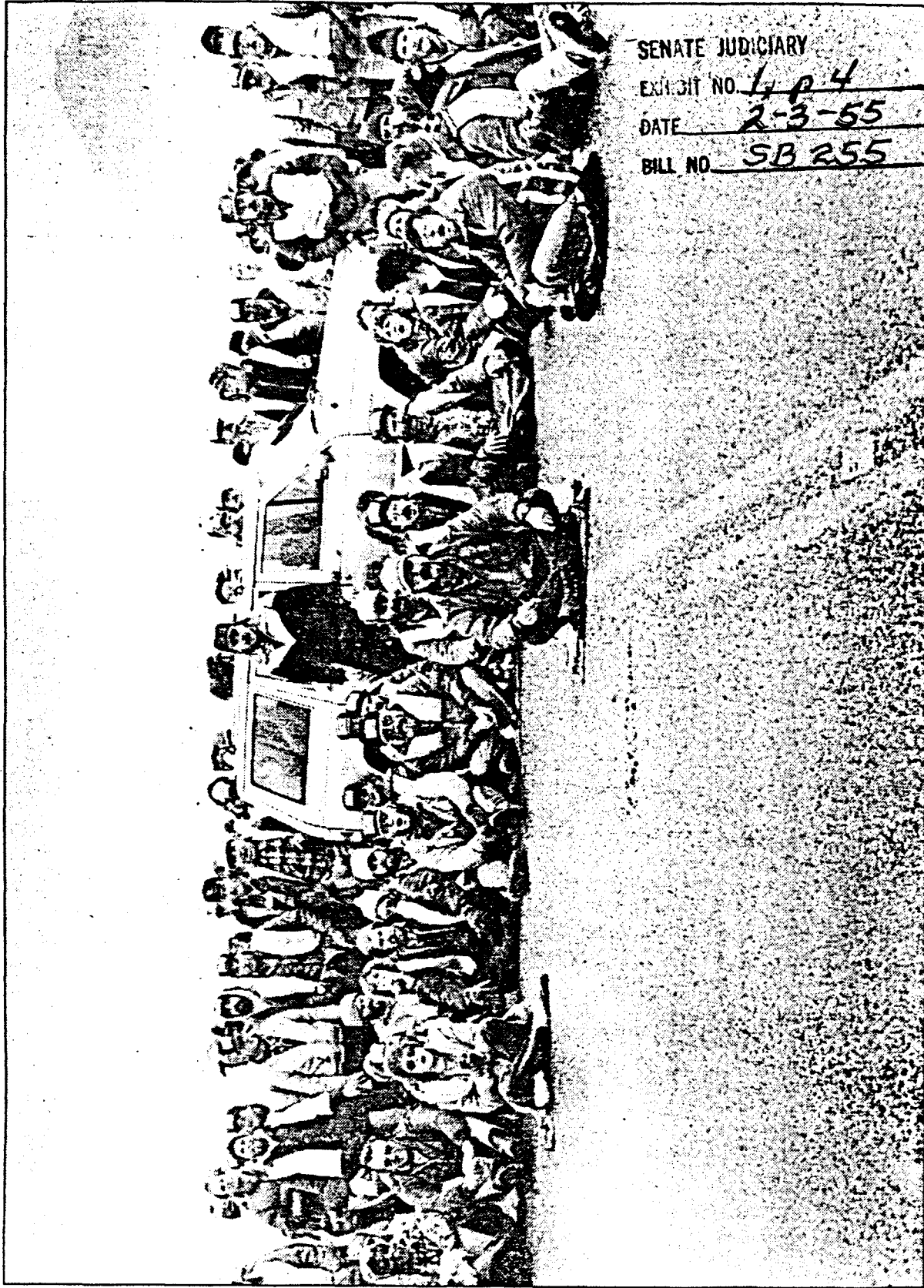
patrol said that Karen Hester of Laramie died Monday when she was thrown from her car after it collided with a truck.

According to patrol reports, the accident occurred on Highway 85 about 2 miles south of Weston and north of Mule Creek

see sheepmen
lion case today

BUFFALO — Unresolved sheep lion predation claims are the subject of an arbitration hearing here today at 11 a.m. at the Buffalo Federal Savings and Loan hospitality room.

Lincoln County ranchers Ken Graves, Ken Graves, and the Smith requested the arbitration hearing after refusing to



SENATE JUDICIARY
 EXHIBIT NO. 4 p 4
 DATE 2-3-55
 BILL NO. SB 255

Jim Newsom

Striking miners of UMWA Local 1972 and their supporters sing and sit across the Montana highway leading to the Decker Coal Mine early Tuesday morning. Fifty-three of the demonstrators were arrested by Big Horn County, Mont. authorities later in the day.

Blockade

Public loses to p

SENATE JUDICIARY

ENR BIT NO. 1, p. 5

DATE 2-3-89

BILL NO. SB 255

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Last spring, an estimated 1,000 to 1,500 sympathizers of a state-wide strike against the Montana Associated General Contractors spilled onto the right-of-way of Highway 39 between Colstrip and Forsyth.

Some 300 of that number surged toward a site where construction companies had stored their equipment.

Rosebud County deputies and volunteers from other nearby departments, an estimated 18 to 20 law enforcement officials, set up a roadblock at Armells Creek Road and waited for the rock-throwing mob.

As the strikers moved toward the blockade, deputies tossed six tear gas grenades ... and walked.

The strikers broke against the wall of gas, but the deputies' problems weren't over yet.

Other strikers and sympathizers of the strike lined Highway 39, and by late afternoon traffic was halted periodically on the state highway.

One elderly couple reportedly sat helplessly in their car while strikers broke their car's windshield and marked its finish with cans of spray paint.

The situation was growing more and more dangerous and travelers were warned not to travel Highway 39.

Think about that a minute. Citizens of the State of Montana were warned against traveling on a state highway because the state could not ensure their safety.

Finally, law enforcement officers at the scene, outnumbered 75 to one, called Helena to ask for help.

Could the Montana Highway Patrol lend a hand in that very ticklish situation.

Word came back from the state Capitol. No.

A few days earlier, Yellowstone County deputies had struggled with strikers on a project in Billings Heights near the Roundup turn-off.

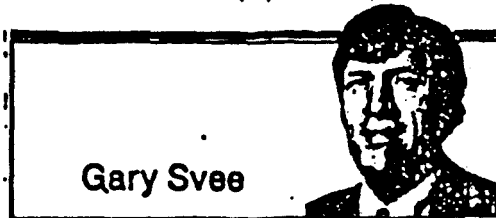
Mike Greely, Montana's Attorney General and head of the state's Highway Patrol, was called for help.

The answer was quick. No.

What's more, if a highway patrolman had been standing beside the elderly couple's car at Colstrip while strikers caved in the windshield and sprayed it with paint, he would have been prohibited by law from doing anything to help the victims.

A Montana Highway Patrolman, sworn to uphold the laws of the State of Montana, would have been required by law to stand idly by while violence was committed on innocent victims.

The reason for this anachronism is a 1936 law that has its roots in the best of intentions.



Gary Svee

This law, section 44-1-1002, says:

"Such highway patrolmen have no authority and are expressly forbidden to make arrests in labor disputes or to prevent violence in connection with strikes and may not perform any duties whatsoever in connection with labor disputes, strikes, or boycotts."

Ironically, the next section of law, 44-1-1003, says:

"Patrolmen are considered police officers for the purpose of making arrests for all offenses occurring on the highways, highway rest areas, state highway properties adjacent to the highways or the registration thereof and for the purpose of serving warrants of arrest in connection with such violations."

The first section, 44-1-1002, was written in a time when state police around the nation were being used as strike breakers.

That Montana legislators wanted no part of that practice is commendable, indeed.

But the Montana law is so broad as to be completely unworkable.

Theoretically, Montana Highway Patrolmen would have been required under 44-1-1002 to stand by in the recent truckers strike while drivers were gunned to death in ambush.

Remember, the law states that patrolmen are "expressly forbidden ... to prevent violence in connection with strikes. ..."

This is just a mixup, right? Just one of those old laws that nobody remembered until the situation arose at Colstrip, right?

Rep. Tom Asay, R-Forsyth, might have thought that when he agreed to introduce a bill, drafted by a state organization of law enforcement officers, in this Legislative session. The bill is hardly revolutionary.

It states:

"(1) Such highway patrolmen have no authority and are expressly forbidden to make arrests in labor disputes and may not perform any duties whatsoever in connection with labor disputes, strikes or boycotts, occurring off of the highways, highway rest areas, and highway property adjacent to the highways.

"(2) notwithstanding paragraph (1), such highway patrolmen may render mutual assistance upon request of a local law enforcement agency to prevent eminent violence."

Even if the bill was not perfect, it was a beginning point to correct the problems with the old law, right?

Greely said he opposed the bill because the highway patrol's "... primary responsibility is to enforce traffic laws and assist motorists in times of trouble and emergency. ..."

How can it be that a motorist who helplessly watches while his windshield is caved in and his car disfigured by spray paint is not in "times of trouble and emergency?"

Second, Greely said that he opposed the formation of a state police.

Greely was blowing smoke.

There was nothing in the proposed bill that suggested the formation of a state police. Nothing at all. But if Greely was really worried about that, why didn't he offer an amendment to ease those fears?

The answer to that question lies in the third point, Greely made.

He said, "Finally, I want to express a personal view concerning the labor movement and its role in Montana's society.

All too often trade unionists confront an alliance of institutions whose interests conflict with the wants and needs of working people.

"Too often that alliance includes government.

"At every turn, working men and women encounter government policies designed to serve the interests of the privileged and the powerful while making life tougher for average working Americans.

"As an official in state government, I will not be part of labor's problem — I want to be part of the solution."

Greely was courting labor, and labor's votes.

He was apparently willing to leave elderly couples helpless on the state's highways in order to gain that support.

The question is moot now. Asay's bill was killed.

But hopefully, sometime before the next election Greely will think about that elderly couple.

Maybe they were working people, too. And maybe the vast majority of the labor movement in Montana will remember that Greely apparently equates them with thugs who break windows out of old peoples' cars.

And maybe the next time we go to the polls, we'll remember that Greely apparently sees the highway patrol as little more than mobile meter maids.

And maybe we'll think about Greely, and how he apparently considers politics more important than constituents.

Maybe.

SENATE JUDICIARY

ENR BIT NO.

DATE

BILL NO.

Sen Akles

*Maguire
Handout*

SENATE JUDICIARY

EXHIBIT NO. 2, p. 1

DATE 2-3

BILL NO. SB 293

Partial List of Extremist Group Activities In Montana

April 18, 1984	S.S. Action Group drops pamphlets in Helena.
August 1, 1984	Jerome Pederson, Posse Comitatus member, arrested by heavily armed law enforcement officials on tax evasion charges in Wolf Point, Montana.
December 27, 1984	Montana man tied to \$5000,000.00 armored car robbery in Seattle.
December 27, 1984	Agricultural Protective Association of Montana formed.
January 12, 1985	Arms cache found in Kalispell linked to Andrew Barnhill and Richard Kemp, Order members.
May 3, 1985	Cross burned on the lawn of an inter-racial couple.
May 9, 1985	Steven J. Scott, Covenant, Sword, the Arm of the Lord member, arrested in Virginia City on murder charges for an Arkansas murder.
June 16, 1985	Montana National Guard tightens security in response to efforts by a para military group member to infiltrate.
October 19, 1985	Cartridge casings from the machine gun used to murder Denver talk show host, Alan Berg, discovered in a residence in Troy, Montana.
November 22, 1985	Andrew Barnhill and Richard Kemp arrested in a Kalispell Bar on racketeering charges stemming from the FBI's investigation of the Order.
January 14, 1986	National Agricultural Press Association meeting in Malta, Montana.
January 16, 1986	State political leaders denounce a proposal by white supremacist, Larry McCurry, to cut ethnic groups' citizenship.
April 1, 1986	Nazi threats to Billings high schools.

EXHIBIT NO. 2, 22DATE 2-3-89BILL NO. SB 293

April 13, 1986 Sheriff Larry Broadbent, Kootenai County, Idaho, reports that the Aryan nation Church is considering a move to Montana.

July 12 & 13, 1986 Aryan Nations Congress meeting in Hayden Lake, Idaho to promote whites only "Homeland" in Washington, Oregon, Idaho, Montana and Wyoming.

October 2, 1986 Church of Jesus Christ Christian - Aryan nations declare their republic encompassing the states of Washington, Oregon, Idaho, Montana and Wyoming.

November 28, 1986 White separatist, Robert Miles, says he was "half-teasing" about moving his headquarters to Miles City, Montana.

April 20, 1987 Police car in Missoula bombed, caller claims credit for the Aryan nation.

October, 1987 White Student Union, Aryan Youth movement literature posted on University of Montana campus.

March 27, 1988 Supremacists from Montana and Washington attend Human Rights Rally in Noxon.

April 25, 1988 Cross burning reported in Wadsworth.

July 21, 1988 Media reports League of Pace Amendment Advocates, a supremacist group, considers moving its headquarters to Helena.

July 23, 1988 League of Pace Amendment Advocates rally in the Bitterroot Valley (marked by poor attendance).

August 28, 1988 League of Pace Amendment Advocate takes out a full page add in the Independent Record announcing move to Helena.

October, 1988 Demolished car found on McDonald Pass. A swastika and the words "we are here" painted on the roof.

December 1988 East Helena couple found murdered in Bonner's Ferry Idaho. Drugs, weapons and supremacist literature found on the premises.

December 23, 1988 A thirteen year old Black assaulted by five white adults in Bozeman.



The Big Sky County

SENATE JUDICIARY
FILE NO. 3
DATE 2-3-89
BILL NO. SB 293

MONTANA HOUSE OF REPRESENTATIVES

REPRESENTATIVE JIM ELLIOTT

HOUSE DISTRICT 51

HOME ADDRESS:

100 TC ROAD
TROUT CREEK, MONTANA 59874
PHONE: (406) 827-3671

HELENA ADDRESS:

CAPITOL STATION
HELENA, MONTANA 59620
PHONE: (406) 444-4800

Elliot

COMMITTEES:

FISH & GAME, VICE CHAIRMAN
TAXATION
AGRICULTURE

TESTIMONY ON SB 293

BEFORE SENATE JUDICIARY COMMITTEE

3 FEBRUARY, 1989

THE SANDERS COUNTY TASK FORCE FOR HUMAN DIGNITY WAS FORMED IN MAY OF 1988 TO RESPOND TO RACIST INTRUSION IN WESTERN MONTANA. RACIAL SEPARATISTS BEGAN TO MOVE QUIETLY TO SANDERS COUNTY APPROXIMATELY FOUR YEARS AGO. WITH TIME THEY BECAME MORE VISIBLE, INITIALLY BY DISTRIBUTING "TAX PROTEST" LITERATURE WITH RACIAL UNDERTONES AND BY HOLDING BIBLE STUDIES THAT PROMOTED IDENTITY THEOLOGY. BECOMING BOLDER IN THE EARLY SPRING OF 1988, SOME OPENLY PROMOTED THEIR RACIST VIEWS ON A REGULAR BASIS IN A LOCAL BAR. THE CAUCASIAN OWNER OF THAT BAR HAS A BLACK SON-IN-LAW LIVING IN THE AREA, AND ONE OF THE BARTENDERS AT THE TIME WAS CHICANO. IN MARCH, THE "CONSTITUTIONALISTS" HELD A PUBLIC MEETING TO DISPEL RUMORS. THE MEETING RAISED MORE QUESTIONS THAN IT ANSWERED. FINALLY, IN EARLY MAY, SPOKANE ABC AFFILIATE (KXLY) CARRIED A ONE WEEK IN-DEPTH DOCUMENTARY

DURING THE EVENING NEWS EXPOSING THE RACIST MOVEMENT SANDERS COUNTY. THE PROGRAM SHOWED REPRESENTATION OF THE KLAN, ARYAN NATIONS AND CONSTITUTIONALISTS IN THE AREA. THE PUBLIC OUTCRY DEMANDED A RESPONSE--HENCE THE FORMATION OF THE TASK FORCE. STILL ONLY SEVERAL MONTHS OLD, THE TASK FORCE HAS OVER 200 REGISTERED MEMBERS AND THE BACKING OF THE CHAMBER OF COMMERCE FOR THE VALLEY. DUE TO THE VERY VIOLENT HISTORY OF SEVERAL ARYANS ASSOCIATED WITH THE ARYAN CHURCH OF NEARBY HAYDEN LAKE, IDAHO, MANY PEOPLE ARE ACTUALLY FEARFUL OF JOINING THE TASK FORCE BUT HAVE EXPRESSED SUPPORT OF ITS GOALS.

THE TASK FORCE HAS IN NO WAY TRIED TO SUPPRESS THE FREEDOM OF SPEECH AND THE FREE EXCHANGE OF IDEAS. THE TASK FORCE MAKES IT CLEAR, HOWEVER, THAT THE CONCEPT OF "RACIAL SUPERIORITY", AND THAT THE OFTEN USED PHRASE "EQUAL BUT SEPARATE" (RACIAL SEPARATISM) IS NOTHING BUT VERY THINLY-VEILED RACISM AT ITS WORST.

IN LESS THAN THREE MONTHS, THE ARYAN NATIONS OF HAYDEN LAKE, IDAHO WILL SPONSOR THE NATIONAL SKINHEAD CONFERENCE. A FEW SANDERS COUNTY ARYANS HAVE BEEN CLOSELY AND INDISPUTABLY LINKED WITH THE HAYDEN LAKE ARYAN NATIONS MOVEMENT. ALTHOUGH ARYAN LEADER RICHARD BUTLER AND HIS FOLLOWERS CLAIM THEY ARE THE ONES BEING HARASSED FOR PEACEFUL RELIGIOUS DIFFERENCES, ONCE AGAIN THE FACTS POINTING TO AT LEAST THE TOLERANCE OF VIOLENT CRIMINAL ACTS PREVAIL. THE ARYAN SKINHEAD MOVEMENT IS LARGELY BASED ON RACISM, CONFRONTATION AND VIOLENCE, AS

WAS RECENTLY SHOWN IN THE BRUTAL SKINHEAD ATTACKS IN
PORTLAND AND SEATTLE.

PERHAPS THE MOST DESTRUCTIVE ASPECT OF ARYAN'S "IN OUR BACKYARD"
IS THE LACK OF PIECE-OF-MIND SEVERAL OF OUR FELLOW MONTANANS
NOW SUFFER. VIOLENCE AND CRIMINAL ACTIVITIES SURROUND THE
SKINHEADS, THE "NEO-NAZI" MOVEMENT, AND THE KU KLUX KLAN.
ALTHOUGH INDIAN, ASIAN, BLACK, CHICANO AND JEWISH MONTANANS
CANNOT KEEP THEIR NEIGHBORS FROM THINKING AND PROMOTING
RACIST VIEWS, THE MONTANA GOVERNMENT MUST DO EVERYTHING IN
ITS POWER TO PROTECT THE RIGHTS, FREEDOMS, AND PEACE-OF-MIND
OF ALL MONTANANS.

WE ARE FORTUNATE AT THIS TIME TO HAVE HAD NO RECORDED INCIDENTS
OF VIOLENT RACIAL OR RELIGIOUS HARASSMENT IN SANDERS COUNTY,
HOWEVER, THE POTENTIAL CERTAINLY EXISTS. RECENTLY, THE
STATE OF IDAHO HAS HAD THE LEAST NUMBER OF RACIAL/RELIGIOUS
INCIDENTS OF ANY NORTHWEST STATE. TONY STEWART, PRESIDENT
OF THE FIVE STATE NORTHWEST COALITION AGAINST MALICIOUS
HARASSMENT, FEELS THE LOW NUMBER OF MALICIOUS ACTS IS A
DIRECT RESULT OF STRONG COMMUNITY RESPONSE AND EFFECTIVE
LEGISLATION. YES, THE SKINHEADS WILL MEET IN IDAHO BECAUSE
RICHARD BUTLER IS STILL THERE. BUT YOU CAN BE SURE THAT
PARTICIPANTS OF THE SKINHEAD CONFERENCE ARE WELL INFORMED OF
THE LAW.

THE SANDERS COUNTY TASK FORCE FOR HUMAN DIGNITY WANTS TO
SEE NO ONE'S RIGHTS INFRINGED UPON. IT DOES, HOWEVER, SUPPORT
ANY LEGISLATION THAT PROMOTES THE RIGHT OF ALL MONTANANS TO

TO LIVE AND TRAVEL WITHIN THE STATE WITH PRIDE--NOT
FEAR BECAUSE OF THEIR RELIGIOUS PREFERENCES OR RACIAL BACKGROUNDS.

TIM McWILLIAMS

PRESIDENT, SANDERS COUNTY TASK FORCE
FOR HUMAN DIGNITY

JE/EB

Mr. Norman L. Gissel
Kootenai County Task Force
on Human Relations
P.O. Box 548
1034 North Third Street
Coeur d'Alene, Idaho 83814
(208) 667-9574

SENATE JUDICIARY
EXHIBIT NO. 4, P. 1
DATE 2-3-89
BILL NO. SB 293

To: Representative Elliott
handout
pt 1

January 4, 1989

Richard Butler
P.O. Box 362
Hayden Lake, Idaho 83835

Dear Mr. Butler:

I am writing to you as the Chairman of the Kootenai County Task Force on Human Relations. We have learned about the upcoming skinhead meeting on April 21-23, 1989. We have concerns about the high risk of physical harm this conference poses to Kootenai County citizens.

Our concerns are based on the extremely high rate of serious criminal activity generated in the last several years by the members of the Order and other people including skinheads who hold white supremacist and white separatist views.

We wish to set forth a brief partial history of this conduct to illustrate our concerns. In the spring of 1984, members of the Order were responsible for two armored car robberies in the Seattle area. In July of 1984 in Ukiah, California, an armored car was held up by members of the Order. Over \$4,000,000.00 was forcefully taken from these armored cars. Also in 1984, Walter West, a member of the Order, was killed in Kootenai County by his fellow Order members. In June of 1984 Alan Berg, a talk show host in Denver, Colorado was shot in the back and killed by members of the Order. In October 1984, Gary Lee Yarborough, an Order member, while in Bonner County shot at U.S. FBI agents. He had in his possession the machine gun that was used to kill Alan Berg. In April 15, 1985, in Branson, Missouri, a Missouri State Trooper, Jimmy Linegar was shot to death by a member of the Order, David Tate. Trooper Allen Heins, who was with Trooper Linegar was wounded. In 1985, a member of the Aryan Nations, Eldon "Bud" Cutler paid \$10,000 to have Thomas Martinez decapitated. Fortunately, this contract to murder was with an undercover FBI Agent. Mr. Cutler was convicted and sentenced to jail for this attempt to purchase the death of Mr. Martinez. In

SENATE JUDICIARY

EXHIBIT NO. 4, p. 2
DATE 2-3-89
BILL NO. SB 293

MR. RICHARD BUTLER

Page 2

August of 1986, Larry Floyd Phillips, a white supremacist without provocation physically assaulted a black man named Larry Smith here in Coeur d'Alene. About that time Order II was formed.

In September of 1986, Mr. Robert Pires set off a bomb at the home of Father Bill Wassmuth a Coeur d'Alene Catholic priest. Also in September, Mr Pires went to Bonner County to murder Kenneth Shray, returned and set four bombs in Coeur d'Alene, three of which detonated. Recently, David Dorr pled guilty to conspiracy, racketeering, unlawful possession of firearms and two counts of making a pipe bomb. Deborah Dorr pled guilty to conspiracy to commit racketeering and counterfeiting. Edward Hawley pled guilty to conspiracy to commit racketeering, planting a pipe bomb and unlawful possession of firearms. Olive Hawley pled guilty to conspiracy to commit racketeering, possessing and concealing counterfeit money.

As to the "Skinheads" we have learned that Michael Casey Martin, an 18 year old leader of the "Reich Skins" of the San Fernando Valley kicked an apartment door open at a mixed race housing project in Granada Hills, California. He terrorized a Hispanic family and while retreating Martin brandished a .380 automatic pistol to aid his getaway. He served 180 days in jail after pleading no contest to a charge of assault with a deadly weapon. Another Reich Skin, Philip Rowe was recently charged with attempted murder after he and several of his friends hitched a ride with a young Hispanic women in Van Nuys, California. Rowe allegedly abducted the woman, slit her throat and left her for dead. Skinheads, Scott Magee, age 18, and his brother Dean, age 16, murdered Isaac Walker in Tampa Bay, Florida. They beat the Black man and stabbed him once through the heart. Dean Magee was convicted of first degree murder and sentenced to life in prison. Scott, his older brother, received a five year jail sentence after becoming a witness for the State of Florida. In March of 1988 in Portland Oregon, a Singapore native Hock-seng Chin, was beaten by Skinheads. They first knocked him to the ground and then kicked him with their boots. You have learned I assume about the assault, July 30, 1988, on Raymond Hill, a Black man in Spokane by a skinhead. Billy Wayne Worl. Mr. Worl pulled the Black man from his car in the Safeway parking lot on Third Street in Spokane and proceeded to slash Mr. Hill with a knife. We believe that Mr. Hill has sustained permanent injuries to his arm. Mr. Worl was found guilty of second degree attempted murder and malicious harassment by a jury of his peers. In November, 1988, as you also know, Skinheads, Kenneth Mieski, Kyle Brewister, and Steven Strausser, allegedly, in an unprovoked attack, beat Mulugeta Seraw, an Ethiopian immigrant, with a baseball bat. The beating resulted in the death of Mr. Seraw. Mieski and Brewster have been charged with murder and are presently in custody. Mr. Strausser has been charged with second degree assault. Mieski and Brewster also face additional charges

MR. RICHARD BUTLER
Page 3

EXHIBIT NO. 4 p. 3
DATE 2-3-89
BILL NO. SB 293

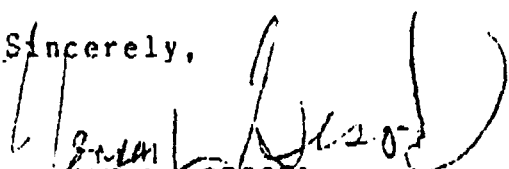
of assault and racial intimidation in a September 10, 1988, incident at a grocery store. Michael A. Barrett, also a Skinhead was charged with unlawful flight to avoid prosecution and escape. The charge relates to a Redwood City, California case involving vandalism of a place of worship.

There is much evidence and court verdicts across the country that indicates elements among the Skinhead movement have committed serious crimes of violence. Not only crimes but violent crimes of a random opportunistic nature. This random violent conduct is to be distinguished from crimes by members of the Order who carefully planned their murders and other felonies. But in both cases the results are violence and criminal conduct.

With this brief historical presentation, you can see why we now ask that you reconsider your decision to invite the Skinheads and other similarly motivated youth groups to your compound. The citizens of this area will be clearly at risk. The potential for being the victim of serious acts of physical violence may never be greater in Kootenai County. We ask that you weigh your desire to meet with these young people against the desire of the people of Kootenai County to be safe in their homes and in their daily activities.

If you decide to have the conference and a young racist armed with new found racial anger and a knife or baseball bat injures a citizen of this county during the conference at the very least we will hold you morally responsible.

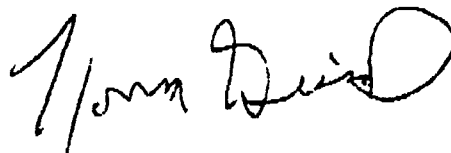
Sincerely,


NORMAN L. GISSEY
Chairman

NLG/jt

Dear Representative Elliott
AS per request.
The chronicle of crimes listed above
is by no means exhaustive.

FEB 3, 89



*Read by
a Helena High Youth*

SENATE JUDICIARY

EXHIBIT NO. 5, p. 1

DATE 2-3-89

BILL NO. SB 293

TESTIMONY OF TOM LOPACH

SENATE BILL 293

SENATE JUDICIARY

MY NAME IS TOM LOPACH. I AM A FRESHMAN AT HELENA HIGH. THANK YOU

FOR THE OPPORTUNITY TO TESTIFY TODAY.

ON DECEMBER 23, 1988 A FOURTEEN YEAR OLD BLACK YOUTH IN BOZEMAN

WAS ASSAULTED BY FIVE WHITE ADULTS. HIS NAME IS CHRIS PARADISE.

CHRIS WANTED TO BE HERE TODAY TO SPEAK TO YOU PERSONALLY BUT THE

WEATHER HAS NOT COOPERATED. I HAVE BEEN ASKED TO READ HIS

TESTIMONY FOR HIM. HIS STATEMENT CONTAINS SOME STRONG

LANGUAGE. I HOPE IT DOES NOT OFFEND ANY ONE. I THINK IT JUST

SHOWS HOW UGLY A RACIAL ASSAULT IS.

TESTIMONY OF CHRIS PARADISE

SENATE BILL 293

SENATE JUDICIARY COMMITTEE

MY NAME IS CHRIS PARADISE I'M BLACK AND I HAVE LIVED IN BOZEMAN FOR ABOUT NINE YEARS NOW. I WAS BORN IN BUFFALO NEW YORK. I THANK YOU FOR GIVING ME THE CHANCE TO TESTIFY, I AM GLAD THAT YOU WANT TO HEAR WHAT I HAVE TO SAY. WELL, A COUPLE WEEKS AGO I WAS CONFRONTED BY FIVE WHITE GUYS. THEY WERE IN THEIR EARLY TWENTIES I THINK. I GUESS THEY WERE RACISTS. THEY STARTED YELLING SOME STUFF AT ME WHICH KIND OF ANNOYED ME. THEY WERE DRIVING DOWN THE STREET AND OUT OF THE WINDOW THEY WERE YELLING, "NIGGER, NIGGER, STUPID NIGGER." I FLIPPED THEM OFF AND THAT'S ALL I EVER DID. THEY JUST STOPPED IN THE MIDDLE OF THE ROAD AND THE FIRST GUY JUMPED OUT. HE SAID, "I'M GOING TO KICK YOUR ASS NIGGER, YOU DON'T FLIP ME OFF." THEN ONE THING LED TO ANOTHER AND I WAS GETTING BEAT UP BY THESE GUYS. AND I UNDERSTAND THAT IF THESE GUYS ARE CAUGHT IT MIGHT ONLY BE A MISDEMEANOR AND THAT'S NOT RIGHT. I DON'T THINK THAT'S RIGHT AT ALL BECAUSE WHAT THEY DID WAS REALLY

SENATE JUDICIARY

EXHIBIT NO. 5, p. 3

DATE 2-3-89

BILL NO. SB 293

SERIOUS. I'M STILL REALLY HURT THAT THIS WOULD HAPPEN IN BOZEMAN.

I'VE LIVED HERE NINE YEARS AND NOTHING LIKE THIS HAS EVER HAPPENED TO

ME OR ANY OF MY FRIENDS I KNOW OF. I HAVE A LOT OF BLACK FRIENDS AND

A LOT OF INDIAN FRIENDS AND IT'S NEVER HAPPENED TO ANY ONE OF THEM

THAT I KNOW OF. I THINK THAT PEOPLE NEED TO BE AWARE THAT THIS

HAPPENS AND THAT PEOPLE THAT DO IT CAN'T JUST GET AWAY SCOT FREE

BECAUSE THIS IS NOT RIGHT.

Amendments to Senate Bill No. 273
First Reading Copy (WHITE)Requested by Senator Pinsonneault
For the Committee on JudiciaryPrepared by Valencia Lane
February 2, 1989

1. Title, line 6.

Following: "GOVERNOR"

Insert: ", WITH RESTRICTIONS,"

2. Page 2, lines 5 and 6.

Following: "law."

Strike: remainder of line 5 through "governor." on line 6

3. Page 2, line 8.

Insert: "(c) The governor may, in his discretion and not less than
2 years after a member is confirmed by the senate, remove a
member of the board and appoint a replacement."

Renumber: subsequent subsections

SENATE STANDING COMMITTEE REPORT

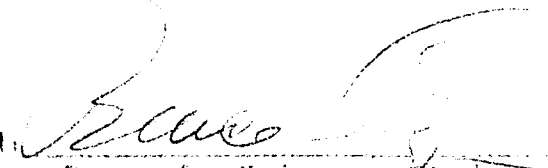
February 3, 1989

MR. PRESIDENT:

We, your committee on Judiciary, having had under consideration SB 291 (first reading copy -- white), respectfully report that SB 291 do pass.

DO PASS

Signed:


Bruce D. Crippen, Chairman

SENATE STANDING COMMITTEE REPORT

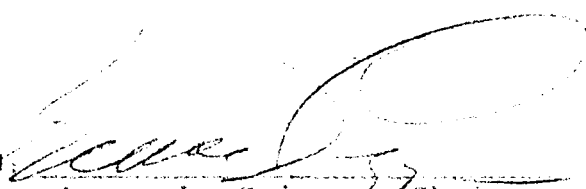
February 3, 1969

MR. PRESIDENT:

We, your committee on Judiciary, having had under consideration SB 293 (first reading copy -- white), respectfully report that SB 293 do pass.

DO PASS

Signed:


Bruce D. Crappen, Chairman

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2-3-84
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SENATE STANDING COMMITTEE REPORT

February 3, 1989

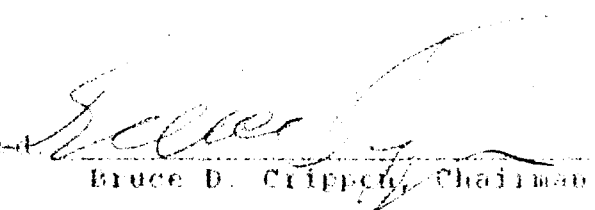
MR. PRESIDENT:

We, your committee on Judiciary, having had under consideration HB 260 (third reading copy -- blue), respectfully report that HB 260 be concurred in.

Sponsor: Clark (Crippen)

BE CONCURRED IN

Signed


Bruce D. Crippen, Chairman