

## **MINUTES**

### **MONTANA HOUSE OF REPRESENTATIVES 53rd LEGISLATURE - REGULAR SESSION**

#### **COMMITTEE ON JUDICIARY**

**Call to Order:** By CHAIRMAN RUSSELL FAGG, on February 5, 1993, at 8:00 a.m.

#### **ROLL CALL**

##### **Members Present:**

Rep. Russ Fagg, Chairman (R)  
Rep. Randy Vogel, Vice Chairman (R)  
Rep. Dave Brown, Vice Chairman (D)  
Rep. Ellen Bergman (R)  
Rep. Jody Bird (D)  
Rep. Vivian Brooke (D)  
Rep. Bob Clark (R)  
Rep. Duane Grimes (R)  
Rep. Scott McCulloch (D)  
Rep. Jim Rice (R)  
Rep. Angela Russell (D)  
Rep. Tim Sayles (R)  
Rep. Liz Smith (R)  
Rep. Bill Tash (R)  
Rep. Howard Toole (D)  
Rep. Tim Whalen (D)  
Rep. Karyl Winslow (R)  
Rep. Diana Wyatt (D)

**Members Excused:** None

**Members Absent:** Non

**Staff Present:** John MacMaster, Legislative Council  
Beth Miksche, Committee Secretary

**Please Note:** These are summary minutes. Testimony and discussion are paraphrased and condensed.

##### **Committee Business Summary:**

Hearing: HB 409, HB 405, HB 411  
Executive Action: HB 409, HB 282

#### **HEARING ON HB 409**

##### **Opening Statement by Sponsor:**

REP. ROBERT J. "BOB" PAVLOVICH, House District 70, Butte, introduced HB 409 which would require that poor persons provide a

financial statement and that a court order of approval be issued before filing fees are waived.

**Proponents' Testimony:**

Clara Gilreath, Montana Association of Clerks of Court, provided exhibits to support uniformity of petitions to be used across the state. EXHIBIT 1

Lori Maloney, Montana Association of Clerks of Court, also provided an exhibit to support uniformity of petitions to be used across the state. EXHIBIT 2

Cort Harrington, Montana Association of Clerks of Court, stated that he is very familiar with the financial ramifications required to have an attorney appointed in criminal cases, and he assured the committee that an affidavit is merely a document. Many people come into his office and request an attorney. The exhibits attached are used as a screening process to make sure a person can afford an attorney. EXHIBIT 3

Written testimony from Mary Phippen, Clerk of District Court, Glacier County. EXHIBIT 4

**Opponents' Testimony:** None.

**Questions From Committee Members and Responses:**

REP. RANDY VOGEL asked Mr. Harrington if there was any recourse other than not providing an attorney if a person doesn't adequately complete the paperwork. It is Mr. Harrington's experience that people typically don't lie on an affidavit; they generally respect the court system. It's almost impossible to lie on these forms as a county attorney will not sign them without verification of the information.

**Closing by Sponsor:** None.

Craig Thomas, Executive Secretary, Board of Pardons, gave a presentation on the State Board of Pardons. EXHIBIT 5

**HEARING ON HB 405**

**Opening Statement by Sponsor:**

REP. MARJORIE FISHER, House District 3, Whitefish, said she introduced this bill to create the criminal offense of ritual abuse of a minor at the request of a psychologist, Carol Lewis.

Several people involved in this ritual have contacted their county attorneys, who also contacted her. The people who contacted their attorneys requested anonymity because their lives have been threatened by those heavily involved in the cult rituals.

**Proponents' Testimony:**

REP. FISHER provided testimony from a constituent who was unable to testify during the hearing. EXHIBIT 6

Marcie Garay, parent of an abducted and abused son, discussed her son who had been abducted and abused by this cult. She emphasized that this cult is very active in Montana and believes it is absolutely necessary that parents, teachers and the police department become educated and aware of the ramifications of this activity. It cost \$85,000 to treat her son, and he is still under psychological treatment.

**Opponents' Testimony:** None.

**Questions From Committee Members and Responses:** None.

**Closing by Sponsor:** None.

**HEARING ON HB 411**

**Opening Statement by Sponsor:**

REP. ROYAL JOHNSON, House District 88, Billings, opened the hearing on this bill which generally revises the public gambling and amusement game laws of Montana. He introduced personnel from the Department of Justice to further explain the bill.

**Proponents' Testimony:**

Joe Mazurek, Attorney General, presented written testimony. EXHIBIT 7

Janet Jessup, Administrator, Department of Justice, presented written testimony. EXHIBIT 8

**Opponents' Testimony:**

Dennis Casey, Executive Director, Gaming Industry Association, stated that the Gaming Industry Association is concerned about two issues. First, the word felony is used throughout the bill.

A person who is convicted of a felony, under the gaming laws would have, in addition to paying a fine of \$1,000, his license removed and will not be issued another license. Secondly, the extension of credit is a misdemeanor for the first three offenses and then increases to a felony. With the fourth offense, all licenses are revoked. Extension of credit is not to be condoned, and the person should be punished. Mr. Casey believes that the difference in punishment between the acts of a multiple offender from a first time offender is just too high. GIA asked the committee to reject the language imposed on page 19 of the bill and in so doing, keep the present law intact.

Mark Staples, Attorney, Montana Tavern Association, said that the MTA would like to see one specific change: on page 11, lines 19-23, section 1, subsection 29, promotional devices should be limited only to games that are legal, and dinners would not be included in the game charges.

Larry Akey, Montana Coin Machine Operator's Association, presented written testimony. EXHIBIT 9

#### Questions From Committee Members and Responses:

CHAIRMAN FAGG asked Attorney General Mazurek to summarize his opinion and thoughts regarding the amendments proposed by the proponents and opponents. Attorney General Mazurek had a brief opportunity to review the amendments and offered his comments from a policy perspective on some of the proposals. With respect to felonies, Attorney General Mazurek believes something has to be a felony offense; it is five misdemeanors before it's a felony. There's a need to increase the situation for a felony at some point.

With respect to promotional games, this is a "big operator/little operator" issue. Big operators are able to obtain more games because more games bring in more money, and little operators don't have the funding to do this; that's a policy change. The Department of Justice believes there should be a limit on promotions, especially for larger operators.

Attorney General Mazurek said he may have to reexamine the issue on license operated premises. There may have been a distinction, but the intention generally was to not allow non-liquor license establishments to extend beyond the ownership of the individual owner. As the Department of Justice proposed the language of that bill, staff tried to write in some more clear definitions of how this would work. The Legislative Council suggested that language needed to be changed. What the department has proposed would benefit both sides. It's not a restricted entry battle; it requires the calling of any person who participated in the creating of an original document, and Attorney General Mazurek doesn't think that's an unreasonable proposal.

With respect to distribution of civil fines, it is **Attorney General Mazurek's** recommendation that any bill that goes through the legislature with a \$40,000 impact should be sent through the House Appropriations Committee.

**CHAIRMAN FAGG** asked **Attorney General Mazurek** to bring a new set of amendments on Tuesday, February 9. **CHAIRMAN FAGG** also asked **Attorney General Mazurek** to review the amendments proposed by the proponents, decide which ones he believes are appropriate, and incorporate them with his amendments.

**REP. DAVE BROWN** asked **Mr. Akey** if he recalls any discussions in the House with **REP. GOULD** and **REP. BROWN** during subcommittee action on the original rewrite of what is now considered state gambling laws where they went against that "believed industry position" and created a special category that only affected the Big Brothers and Sisters bingo operation in Missoula and Billings. **Mr. Akey** said he did remember that discussion. **REP. BROWN** then added, in doing that, **REP. GOULD** and he also created a situation where a private person's business could be passed on to his family only. If he sold his business to anyone else, it would be treated as any other business, that is, not able to have gambling without liquor. **REP. BROWN** said he had all the tapes from that subcommittee in their original form and would be happy to share them with **Attorney General Mazurek**.

**REP. BROWN** asked **Steve Arnson, Silver Tip Casino, Missoula**, to explain promotional tournament card games and what the net effect of the language of this proposed bill would have on tournament card games. **Mr. Arnson** said one of the reasons he chose not to discuss this area is because it's so confusing. He is not sure that the changes proposed on page 25 and 26, section 11 cleared up the confusion. This tournament language was put in the law specifically for commercial opportunists. It allowed an operator to have a big tournament up to 12 times per year. The proposed language changed on page 25, lines 15-17, section 11. Everyone knows in basic poker, that at the end of the hand, the winning player takes the winnings.

**Mr. Arnson** said there is a trade promotional tournament where patrons play on a legalized table for one to two hours to start the game once a week. In Missoula, for instance, there are four or five different card rooms. All of a sudden, this change would disallow that without filing for a fee permit through the Department of Justice, unless that's permitted 12 times per year. Speaking on behalf of himself, and not representing the poker industry, **Mr. Arnson** has but one issue with the wording of the bill. Small tournaments can be run on their own card tables without any restriction on the numbers, and this would put them into 12 times per year and make them put a license fee and an application for each one. **Mr. Arnson** suggested a simple amendment just to increase the number of times per year, possibly 24, which would solve that problem.

REP. BROWN said the language on page 28, section 14 appears to limit the ability to play up to ten Keno games consecutively; also for instance, some establishments allow a person to win \$600 instead of \$100 because the game allows a person to play with the same card six times rather than once. This appears to limit that, and he asked Ms. Jessup if that was intentional.

Ms. Jessup said that was not the intention. She spoke to the original drafter of the language, and the intent is merely to address Bingo games, not Keno. The intent was to make the game more interesting and rewarding. REP. BROWN asked Ms. Jessup if the committee can work with her to straighten out the language, and Ms. Jessup agreed.

In amendment number 3, where the Department of Justice wants to strike "or animal" or "and animal", REP. BROWN mentioned REP. ELLIS' constituent who races pigs for a prize, for example, and asked if it wouldn't be better to work out a solution in this bill that will surely pass in some form as opposed to REP. ELLIS' bill which may or may not. REP. BROWN'S main concern, as he understands the issue, is purely one of whether or not we separate parimutuel out from the rest of gambling on animals. He suggested using simple language that makes it clear that the Horse Racing Board has parimutuel betting on horses and mules, and everything else will be included in this bill to take care of the rules. Ms. Jessup said that, in studying this bill with REP. ELLIS, they had hoped that they would be moving towards that in this bill.

REP. BROWN asked Ms. Jessup, in the area of felony as it implies to a license (p. 28, lines 8-12 of bill), whether the Department of Justice is trying to hold the owner liable for any impropriety of the contractor, assuming it's not joint. Ms. Jessup said that if the operator is aware of the activity going on, or participates in that activity, there always is the potential for liability; however, the Department of Justice has the burden of proof that the operator knows this is happening, so it does not, in any way, change the way the cases are prosecuted.

Closing by Sponsor: None.

EXECUTIVE ACTION ON HB 409

Motion/Vote: REP. BROWN MOVED HB 409 DO PASS. Motion carried unanimously 18-0.

EXECUTIVE ACTION ON HB 282

Motion: REP. WHALEN MOVED HB 282 DO PASS.

**Discussion:**

REP. WHALEN provided an article from Law Review by an alumni of the University of Montana School of Law. Pages 219-220, specifically, address an area where a defendant is going to perpetrate some unfairness on someone, and the question is where that unfairness should fall. There were some very serious problems created when the legislature dealt with it in 1987, including technical problems having to do with times to settle lawsuits so that the courts are not overburdened. The question is whether the unfairness should fall upon an innocently injured victim or on someone who was involved in producing that injury. REP. WHALEN asked the committee to think about the bill and not to take it lightly as it deals with an area of the law that seriously affects individuals. EXHIBIT 9

**Motion/Vote:** REP. CLARK moved a substitute motion to table the bill.

**Discussion:**

REP. TOOLE believes that this legislation serves a society that doesn't provide uniformity for injured people. Insurance is unregulated, and many people go without insurance. He recommended lowering the percentage to 50 percent.

REP. VOGEL commented that through all the discussion heard on this bill, he has not yet, in all sense of fair play and responsibility, heard why a person who's 10 percent liable by court should have to pay 100 percent of the cost. He doesn't agree with this legislation.

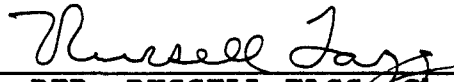
REP. WHALEN asked REP. CLARK if he was willing to withdraw his table motion for the simple purpose that what REP. WHALEN hopes to do in executive action with this bill is discuss the concerns of committee members with respect to this bill.

REP. WHALEN offered to propose an amendment to delete the percentage change in the bill, change it to 50 percent, which he feels was the real concern to the people who testified against this bill. This way the problem of the "empty chair" can be solved. REP. WHALEN proposed that members vote against the table motion. If the committee did that, REP. WHALEN would offer an amendment to eliminate the change and the percentage rule so that all that is left is the "empty chair" rule in this bill. If this bill passes and goes to the Senate, REP. WHALEN will make no effort to change that agreement.

**Vote:** HB 282 BE TABLED. Motion passed 13-5. Those voting to table the bill were CHAIRMAN FAGG, REPS. VOGEL, BROWN, BIRD, BERGMAN, BROOKE, CLARK, GRIMES, RICE, SAYLES, SMITH, TASH and WINSLOW. Those voting not to table the bill are REPS. MCCULLOCH, RUSSELL, TOOLE, WHALEN and WYATT.

**ADJOURNMENT**

**Adjournment: 11:00 a.m.**

  
\_\_\_\_\_  
REP. RUSSELL FAGG, Chairman

  
\_\_\_\_\_  
BETH MIKSCHÉ, Secretary

RF/bcm

## HOUSE OF REPRESENTATIVES

Judiciary

COMMITTEE

ROLL CALL

DATE

2-5-93

| NAME                         | PRESENT | ABSENT | EXCUSED |
|------------------------------|---------|--------|---------|
| Rep. Russ Fagg, Chairman     | ✓       |        |         |
| Rep. Randy Vogel, Vice-Chair | ✓       |        |         |
| Rep. Dave Brown, Vice-Chair  | ✓       |        |         |
| Rep. Jodi Bird               | ✓       |        |         |
| Rep. Ellen Bergman           | ✓       |        |         |
| Rep. Vivian Brooke           | ✓       |        |         |
| Rep. Bob Clark               | ✓       |        |         |
| Rep. Duane Grimes            | ✓       |        |         |
| Rep. Scott McCulloch         | ✓       |        |         |
| Rep. Jim Rice                | ✓       |        |         |
| Rep. Angela Russell          | ✓       |        |         |
| Rep. Tim Savles              | ✓       |        |         |
| Rep. Liz Smith               | ✓       |        |         |
| Rep. Bill Tash               | ✓       |        |         |
| Rep. Howard Toole            | ✓       |        |         |
| Rep. Tim Whalen              | ✓       |        |         |
| Rep. Karyl Winslow           | ✓       |        |         |
| Rep. Diana Wyatt             | ✓       |        |         |
|                              |         |        |         |
|                              |         |        |         |
|                              |         |        |         |
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|                              |         |        |         |

HR:1993

wp.rollcall.man


CS-09

HOUSE STANDING COMMITTEE REPORT

February 5, 1993

Page 1 of 1

Mr. Speaker: We, the committee on Judiciary report that House Bill 409 (first reading copy -- white) do pass.

Signed:   
Russ Fagg, Chair

Committee Vote:  
Yes 7, No 8.

291238SC.Hss

# HOUSE OF REPRESENTATIVES

Judiciary

COMMITTEE

## ROLL CALL VOTE

DATE 2-5-93 BILL NO. HB 409 NUMBER 18

MOTION: Motion to pass HB 409 carried 18-0

| NAME                         | AYE | NO |
|------------------------------|-----|----|
| Rep. Russ Fagg, Chairman     | ✓   |    |
| Rep. Randy Vogel, Vice-Chair | ✓   |    |
| Rep. Dave Brown, Vice-Chair  | ✓   |    |
| Rep. Jodi Bird               | ✓   |    |
| Rep. Ellen Bergman           | ✓   |    |
| Rep. Vivian Brooke           | ✓   |    |
| Rep. Bob Clark               | ✓   |    |
| Rep. Duane Grimes            | ✓   |    |
| Rep. Scott McCulloch         | ✓   |    |
| Rep. Jim Rice                | ✓   |    |
| Rep. Angela Russell          | ✓   |    |
| Rep. Tim Sayles              | ✓   |    |
| Rep. Liz Smith               | ✓   |    |
| Rep. Bill Tash               | ✓   |    |
| Rep. Howard Toole            | ✓   |    |
| Rep. Tim Whalen              | ✓   |    |
| Rep. Karyl Winslow           | ✓   |    |
| Rep. Diana Wyatt             | ✓   |    |
|                              |     |    |
|                              |     |    |
|                              | 18  | 0  |

## HOUSE OF REPRESENTATIVES

Judiciary

COMMITTEE

## ROLL CALL VOTE

DATE 2-5-93 BILL NO. HB 282 NUMBER 18MOTION: Motion to table HB 282 passed 13-5

| NAME                         | AYE | NO |
|------------------------------|-----|----|
| Rep. Russ Fagg, Chairman     | ✓   |    |
| Rep. Randy Vogel, Vice-Chair | ✓   |    |
| Rep. Dave Brown, Vice-Chair  | ✓   |    |
| Rep. Jodi Bird               | ✓   |    |
| Rep. Ellen Bergman           | ✓   |    |
| Rep. Vivian Brooke           | ✓   |    |
| Rep. Bob Clark               | ✓   |    |
| Rep. Duane Grimes            | ✓   |    |
| Rep. Scott McCulloch         |     | ✓  |
| Rep. Jim Rice                | ✓   |    |
| Rep. Angela Russell          |     | ✓  |
| Rep. Tim Sayles              | ✓   |    |
| Rep. Liz Smith               | ✓   |    |
| Rep. Bill Tash               | ✓   |    |
| Rep. Howard Toole            |     | ✓  |
| Rep. Tim Whalen              |     | ✓  |
| Rep. Karyl Winslow           | ✓   |    |
| Rep. Diana Wyatt             |     | ✓  |
|                              |     |    |
|                              |     |    |
|                              | 13  | 5  |

MONTANA FIRST JUDICIAL DISTRICT COURT, LEWIS AND CLARK COUNTY

|              |                 |
|--------------|-----------------|
| _____ )      | Cause No. _____ |
| Petitioner ) |                 |
| )            |                 |
| )            |                 |
| )            |                 |
| )            |                 |
| _____ )      |                 |
| Respondent ) |                 |

ORDER

Upon consideration of petitioner's affidavit of Inability to Pay Filing Fees or Other Costs:

It is hereby ordered that all officers of the court shall perform all services herein, including the filing, issuance, and service of petitioner's pleadings and the court's orders, without demanding or receiving fees in advance.

Dated the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

\_\_\_\_\_  
DISTRICT JUDGE

MONTANA FIRST JUDICIAL DISTRICT, LEWIS AND CLARK COUNTY

|               |                 |
|---------------|-----------------|
| _____ )       | Cause No. _____ |
| Petitioner) ) |                 |
| ) )           |                 |
| ) )           |                 |
| ) )           |                 |
| _____ )       |                 |
| Respondent) ) |                 |

AFFIDAVIT OF INABILITY TO PAY FILING FEES AND OTHER COSTS

STATE OF MONTANA ) ss.  
County of Lewis & Clark )

I, \_\_\_\_\_, being first duly sworn, upon oath  
depose and say:

1. I am the petitioner in the above-entitled proceeding.
2. I have a good cause of action and am unable to pay the  
costs or to procure security to secure the same.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

\_\_\_\_\_  
Petitioner

SUBSCRIBED AND SWORN to before me this \_\_\_\_\_ day of \_\_\_\_\_,  
19\_\_\_\_.

\_\_\_\_\_  
Notary Public for the State of Montana  
Residing at \_\_\_\_\_  
My Commission expires \_\_\_\_\_

MONTANA SECOND JUDICIAL DISTRICT, SILVER BOW COUNTY

\_\_\_\_\_  
PLAINTIFF,

VS.

No. \_\_\_\_\_

\_\_\_\_\_  
DEFENDANT.

FINANCIAL STATEMENT REGARDING INABILITY TO PAY

1. ARE YOU PRESENTLY EMPLOYED? YES \_\_\_\_\_ NO \_\_\_\_\_  
PRESENT EMPLOYERS NAME AND ADDRESS \_\_\_\_\_  
\_\_\_\_\_  
AMOUNT OF SALARY AND WAGES - MONTHLY \_\_\_\_\_ ANNUAL \_\_\_\_\_  
DATE OF LAST EMPLOYMENT \_\_\_\_\_ SOCIAL SEC. # \_\_\_\_\_
2. HAVE YOU RECEIVED WITHIN THE PAST 12 MONTHS ANY INCOME FROM A  
BUSINESS, PROFESSION OR OTHER FORM OF SELF-EMPLOYMENT, OR IN THE  
FORM OF RENT PAYMENTS, INTEREST, DIVIDENDS, OR OTHER SOURCE?  
YES \_\_\_\_\_ NO \_\_\_\_\_ IF YES, PLEASE EXPLAIN \_\_\_\_\_  
\_\_\_\_\_
3. DO YOU OWN ANY CASH OR BANK ACCOUNTS OF ANY KIND? YES \_\_\_\_\_ NO \_\_\_\_\_  
IF YES STATE THE TOTAL BALANCE TO DATE \_\_\_\_\_
4. DO YOU OWN ANY REAL ESTATE, STOCKS, BONDS, NOTES, AUTOMOBILES  
OR OTHER VALUABLE PROPERTY (EXCLUDING ORDINARY HOUSEHOLD FURN-  
ISHINGS AND CLOTHING)? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
5. LIST THE NAMES OF PERSONS WHO ARE DEPENDENT UPON YOU FOR SUPPORT  
AND STATE YOUR RELATIONSHIP TO THESE PERSONS.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I UNDERSTAND THAT A FALSE STATEMENT OR ANSWER TO ANY QUESTION IN  
THIS STATEMENT WILL SUBJECT ME TO PENALTIES FOR PERJURY.

DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 19\_\_\_\_.

SUBSCRIBED AND SWORN TO BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 19\_\_\_\_

\_\_\_\_\_  
NOTARY PUBLIC FOR THE STATE OF MONTANA  
RESIDING AT BUTTE, MT  
MY COMMISSION EXPIRES \_\_\_\_\_

INDIGENCY QUESTIONNAIRE

1. Name \_\_\_\_\_ DOB \_\_\_\_\_
2. Address \_\_\_\_\_
3. Telephone \_\_\_\_\_ Single \_\_\_\_\_ Married \_\_\_\_\_ Separated \_\_\_\_\_ Divorced \_\_\_\_\_
4. Employed? Yes \_\_\_\_\_ No \_\_\_\_\_ Self Employed? \_\_\_\_\_ Yes \_\_\_\_\_ No \_\_\_\_\_
  - a. Employer's Name & Address \_\_\_\_\_
  - b. Your employment income? Monthly \$ \_\_\_\_\_
5. If unemployed, when last employed \_\_\_\_\_ Job \_\_\_\_\_
6. Dependents? Spouse \_\_\_\_\_ Number of children \_\_\_\_\_ Others (Specify) \_\_\_\_\_
7. If married, is spouse employed? Yes \_\_\_\_\_ No \_\_\_\_\_
  - a. Employer's Name & Address \_\_\_\_\_
  - b. Does spouse have any other income? Monthly \$ \_\_\_\_\_  
(example: support payments, alimony, interest, rent income)
8. Do you have any other income from other sources? Yes \_\_\_\_\_ No \_\_\_\_\_  
Monthly \$ \_\_\_\_\_ Sources \_\_\_\_\_
9. Do you have a car? Yes \_\_\_\_\_ No \_\_\_\_\_ Is it paid for? \_\_\_\_\_
  - a. If not, how much do you owe? \$ \_\_\_\_\_
  - b. Year, Make and Model \_\_\_\_\_
10. Do you own any land or other real estate, or are you buying any? Yes \_\_\_\_\_ No \_\_\_\_\_
  - a. What is its approximate value? \$ \_\_\_\_\_
  - b. How much did you pay for it? \_\_\_\_\_ When? \_\_\_\_\_
  - c. Is it paid for? Yes \_\_\_\_\_ No \_\_\_\_\_
  - d. If not, how much do you owe? \$ \_\_\_\_\_
11. Do you have any: a. Cash or savings? Yes \_\_\_\_\_ No \_\_\_\_\_  
Amount? \$ \_\_\_\_\_  
Bank \_\_\_\_\_
  - b. Checking accounts? Yes \_\_\_\_\_ No \_\_\_\_\_ Amount? \$ \_\_\_\_\_  
Bank \_\_\_\_\_
  - c. Stocks or bonds? Yes \_\_\_\_\_ No \_\_\_\_\_ Value? \$ \_\_\_\_\_
  - d. Other property? Yes \_\_\_\_\_ No \_\_\_\_\_ Value? \$ \_\_\_\_\_  
(trailer, boat, camper, cycle, guns, tools, collections, etc.)  
Describe \_\_\_\_\_

STATE OF MONTANA ) SS.  
COUNTY OF LEWIS & CLARK)

The undersigned, being first duly sworn, deposes and says: That he/she is the person named above, that he/she has read the foregoing questions and information and knows the same to be true of his/her own knowledge, and that if any part of the above is made falsely the undersigned is subject to prosecution for perjury.

\_\_\_\_\_  
Signature of Requestor



House Judiciary  
Room  
312-1A  
Bott

**GLACIER COUNTY**  
**CUT BANK, MONTANA**

EXHIBIT # A  
DATE 2-5-93  
SB HB 409

MARY PHIPPEN  
CLERK OF DISTRICT COURT  
GLACIER COUNTY COURTHOUSE  
512 EAST MAIN STREET  
CUT BANK MT 59427  
(406) 873-5063 Ext. 36  
February 4, 1993

House Judiciary Committee  
State Capitol  
Helena MT 59620

RE: HB 409 - An Act requiring poor persons to provide a financial statement and a court order of approval before filing fees are waived; amending section 25-10-404, MCA.

Dear Members of the House Judiciary Committee:

I am writing to ask you to support House Bill 409, which is set for hearing before you on Friday, February 5, 1993. Your support of this Bill is greatly appreciated.

Very truly yours,

  
Mary Phippen  
Clerk of District Court

February 5, 1993

Exhibit No. 5 is informational testimony presented by the Board of Pardons. The original is stored at the Historical Society at 225 North Roberts Street, Helena, MT 59620-1201. The phone number is 444-2694

EXHIBIT 5  
DATE 2-5-93  
Info Testimony

EXHIBIT 77 6  
DATE 2-9-93  
HB 405

February 4, 1993

The Hon. Marjorie Fisher  
Montana House of Representatives  
Capitol Station  
Helena, Montana 59620

Dear Rep. Fisher:

Thank you for calling me back about your HB 405 on ritual abuse. I appreciate the time you took to speak with someone whose life has been directly affected -- adversely -- by the problem your bill will address.

Enclosed is written testimony, with a brief cover letter, that I would be grateful if you would submit for the committee hearing record, as well as provide copies to committee members and anyone else interested. If time allows and you're so inclined, feel free to read aloud all or part of my testimony for the benefit of those attending the hearing.

I've also attached an article on ritual abuse that was just published by Ms. Magazine as part of their efforts to convince a doubting society that ritual abuse DOES exist. I can provide the committee with copies of articles from popular periodicals as well as professional journals about ritual abuse, recovery, treatment, occurrence rates, etc. I can also provide a bibliography of books written on the topic by treatment professionals experienced in cult ritual abuse. I have many of those books available.

I also want to let you know that ritual abuse is considered a significant-enough problem in Montana that the nation's foremost experts at treating the "worst" cases of cult abuse survivors are planning to come to Montana to lead training seminars for local therapists and treatment professionals.

For your information, I know some of the committee members, and that may influence their reaction to my testimony. As I mentioned to you previously, I've had a successful and sometimes highly visible work career. I have been a reporter and/or editor for the Missoulian, the Great Falls Tribune, the Helena Independent Record, the Associated Press (Helena bureau), the Lee Newspapers State Bureau, and a few other smaller Montana newspapers.

I was a Legislative Analyst with the U.S. House of Representatives in the office of Congressman Pat Williams for four years, managed the Congressional campaign of Buck O'Brien in 1988, and have worked for the Montana State AFL-CIO as their writer/researcher.

Rep. Fisher  
Feb. 4, 1993  
Page two  
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As a result of my work, I know House Judiciary Committee members Dave Brown, Howard Toole, Tim Whalen, and Diana Wyatt. Many others may be familiar with my work, but not me personally. Dave Brown is the one I know best, and I think he'll be swayed by that, if any swaying is necessary.

I will return from Denver by Monday, and will check in with you to see how the hearing went and if there is anything I can do to assist further -- and believe me, I want to help. If the bill makes it to the Senate, which I expect it should, I'll be anxious to appear before the Senate committee. I have no further out-of-town travel planned or anticipated.

Please remember that my work on this bill is personal, and is not endorsed by my employer, the Montana State AFL-CIO, which has no formal position on the bill. However, they do know I'm working with you on it, and have no objection. Please do not discuss my employment during your work on this legislation; many people know I'm here, but I don't advertise it.

I look forward to talking with you when I return. Thanks again for taking the time to include me.

Sincerely,

A handwritten signature in cursive script that reads "Randall E. Mills". The signature is written in dark ink and is positioned above the printed name.

Randall E. Mills

TESTIMONY OF RANDALL E. MILLS, HELENA, ON HOUSE BILL 405  
BEFORE THE HOUSE JUDICIARY COMMITTEE  
OF THE MONTANA LEGISLATURE

FEBRUARY 5, 1993

Mr. Chairman, members of the committee, for the record, my name is Randy Mills, and I'm a Helena resident who wants to urge your favorable consideration of this important bill to outlaw certain abusive cult ritual activities.

I am interested in and supportive of this bill because I am an adult survivor of severe abuse, perpetrated during my youth in northwestern Montana, New York, California and other places.

Like many survivors of severe abuse, I have been diagnosed as having Multiple Personality Disorder, and am in my third year of intensive psychotherapy to cope with these long-standing effects of abuse.

Professionally, I am a writer and researcher, and have been a reporter or copyeditor for most of the state's newspapers and news agencies. As a result of my disorder and the traumatic level of therapy I have been undergoing, I have not worked in the last two years and am considered 100 percent disabled by the Social Security Administration. I have recently begun a trial return to work program.

It is sad to admit that Montana does not have strong enough criminal sanctions to cover ritual abuse, but it is even sadder to admit that ritual abuse even occurs -- and to innocent children.

In fact, the horrors of ritual abuse, especially satanic cult abuse, are so tremendous that many people simply refuse to believe that it exists. Critics maintain that claims of satanic ritual abuse are really just attention-seeking by self-centered children or fantasy-enhanced memories of sexual or physical abuse that really did happen, but not in a cult or ritual setting.

Critics also say that there are no real satanic cults in America, that they do not have any organized structure or system, and that IF they exist, they do not routinely do anything even vaguely similar to what survivors are alleging across America. And society's refusal to believe in ritual crime is easy to understand: why would anyone want to believe that this exists? Why would anyone want to believe that their neighbor might be a closet satanist who works by day and drinks blood by night? It's far, far easier to simply deny that it exists, and to dismiss the claims of survivors as fantasies or even psychosis.

I am living proof that the critics are wrong. I and my fellow survivors are living proof that parents, siblings, grandparents, aunts, uncles and their friends can perpetrate severe physical, sexual and satanic ritual abuse on children in their own families, as well as other children.

I am living proof that there is an organized underground satanic cult network in the United States, and that they have active "covens," "grottoes" and other groups across the country. I live under threat from these people because of my recovery of memories of the abuse, and because of my activism in the area of exposing ritual abuse and treating survivors of such abuse.

I carry a gun and other personal defense items, and I try to keep my home address and phone number from being disclosed. Nevertheless, I do not cower from these people, and I am not afraid of speaking out against the abuse they perpetrate and pass on from generation to generation. I fully expect some sort of harassment and/or retribution as the result of my activism on this topic, and I am prepared for it.

Like many survivors of ritual abuse (I personally know about 150, many from Montana), I feel an obligation to stand up against these perpetrators and to speak out on behalf of fellow survivors who are not yet strong enough or safe enough to speak out.

We all know that child abuse is far more widespread than was thought 20 years ago, or even 10 years ago. We KNOW that such abuse has occurred and continues to occur at an alarming pace. We also know, despite claims to the contrary, that satanic ritual abuse has occurred and continues to occur at rates beyond most peoples' ability to comprehend.

If child abuse is a gun that shoots holes in the soul, satanic ritual abuse is an atomic bomb that vaporizes and shatters the soul, fragmenting it so badly that most ritual abuse survivors have Multiple Personality Disorder, Post-Traumatic Stress Disorder, or any number of other dissociative disorders that serve as coping tools.

While I do not want to publicly go into the details of abuse that I have begun remembering in my therapy process, I'll share that the sexual, physical and ritualized abuse was so horrific that my personality has shattered into more than 100 identifiable pieces that maintain separate identities, separate realities and entirely distinct interactions with current society.

My poly-fragmented Multiple Personality Disorder is the result of abuse that would, in part, be outlawed by House Bill 405. Virtually every activity this bill proposes to criminalize was perpetrated on me by a family member and non-family members from the time of birth until my young adult years. Less-frequent forced interactions with these and other abusers continued until my early 20s.

Through my personal experience and my contacts with other survivors, I know that abusers can range from anonymous "ordinary" people to highly visible and respected community leaders, including health professionals, school teachers, law enforcement professionals, priests, business people, government employees, members of the U.S. armed forces, and members of the U.S. intelligence community. Literally anyone -- regardless of where they are on the economic, professional or social ladders -- can be involved in ritualized abuse and satanic cult abuse. And they're very good at leading "normal" daytime lives, while killing, maiming and abusing by night.

They regularly perpetrate the actions this bill would outlaw, and they focus their attention on young children who have absolutely no way to escape. They break down a child's will and trust to the point that the child truly believes that there is no way to get out and no person "safe" enough to talk to.

If the cult members begin their activities early enough in the child's life, as is often the case, the child grows up and, through the fragmenting of personalities, creates an internal psychic structure that allows the belief that "this is all there is."

They grow up not knowing that they're being abused. They grow up not knowing that it isn't normal to drink human blood still warm from the body.

They don't learn know that it isn't normal to consume the ground-up remains of human fetuses forcibly withdrawn from the womb of women used for cult "breeding" of undocumented children.

They don't learn that it isn't normal to tie a young woman to a stone "altar" and then rape her, sodomize her, skin her, disembowel her, and then, finally, kill her and thoroughly dispose of the remains.

They don't learn that most kids actually have beds instead of cages; that food is served cooked on plates, rather than raw meat thrown on the sub-basement floor; or that human and animal urine and feces are ordinarily not touched, drank, eaten, smeared on the body or injected into the body.

They grow up "knowing" that they can't tell about what has happened to them because the cult will find out. They are told -- and made to truly believe -- that eyeballs have been surgically implanted inside the body to allow the cult to track the child for the rest of his or her life. They are told -- and made to believe -- that devices have been implanted to allow the cult to see and hear if the child ever "tells." They are told -- and made to believe -- that bombs or other self-destruct devices have been implanted so that they will die if they ever "tell."

I could go on at great length describing the horrors I've seen and that fellow survivors have reported, and which I believe without question. Some of the stories would make what I've just described seem like a pleasant Sunday picnic.

I hope and believe passage of this bill will encourage people to report ritual crime -- perhaps slowly at first, but with growing frequency. I do not believe this bill will serve as a retardant to the spread of ritual abuse, especially that of organized transgenerational satanic cults. The people who perpetrate these acts are well beyond the reach of what you would consider normal human reason and emotion; a law criminalizing their activities will be meaningless to them.

I believe the bill may have some restraining effect on people who "dabble" in satanism and ritualized abuse, and perhaps even on our young people who are more and more frequently turning to satanism as a protest and a social support system. Just as ghetto children turn to gangs for some kind of "bonding" and family-like support, some of our children -- right here in Montana -- turn toward satanism as an alternative to an already rotten home life. Children who voluntarily turn toward what I call "minor" satanic activities would never touch the stuff if they were more aware of what happens to kids who have the misfortune to be born into an organized transgenerational cult.

Passing this bill would have an obvious and immediate impact on the state's ability to prosecute alleged ritual abusers. But most importantly, with proper promotion and public exposure, the bill will send a strong message to survivors that they DO have allies in their healing, and that someone somewhere DOES care.

Passage of House Bill 405 will be a strong message of support and affirmation to survivors of ritual abuse who get precious little support from a non-believing society.

I urge you to give HB 405 a "do pass" recommendation.

Thank you.

## Working the Wards: Nurses Speak Out

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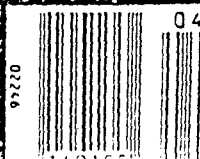


# BELIEVE IT!

# Abuse Exists

# Human's Story

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BY ELIZABETH S. ROSE

# SURVIVING

## THE

# UNBELIEVABLE

A FIRST-PERSON ACCOUNT  
OF CULT RITUAL ABUSE

I sat helplessly next to my daughter as an ambulance whisked her to the hospital. Barely hearing the siren's blare, my head echoed with the doctor's words—frightening words like "spinal tap" and "infectious meningitis," the possibility that my beautiful 15-month-old girl was dying. It was any mother's worst nightmare. But for me, it was even more terrifying.

I am a survivor of cult ritual abuse.

Although I had been sworn to secrecy as a child, only two months earlier I had begun talking in therapy about my cult experiences. I had betrayed the cult—and now revenge was being taken against my daughter. Or so it seemed.

I thought my daughter's illness a punishment brought down by the cult, or by Satan—maybe even by God, be-

cause of my cult involvement. Long-repressed terror gripped me; irrational thoughts filled my mind. I had been led to believe that there was no escape from the cult, that cult members would watch every move I made until the day I died. I had been away from the cult for many years, but it still affected every aspect of my life.

Seeing my baby so close to death brought forth startling flashbacks. I could hear my uncle's voice; I could even smell his sweat, as I remembered his chilling words: "When you grow up, I'm gonna kill your babies the same way we killed your baby sister, understand? Babies deserve to die. Satan wants their blood, especially girl babies, because they taste so good."

This was the reality I had been taught as a child. I had been involved in a generational satanic cult and had been ritually abused in that cult setting. My thought patterns were altered through brainwashing and severe psycho-

## A NOTE TO SURVIVORS AND FRIENDS OF SURVIVORS

army man, had been assigned to Vietnam, so my mother took me to live with her family during his absence.) My mother's sister was the first person to perform acts of ritual abuse on me. My aunt told me I was being punished because I was a wicked little girl. In the months following, I witnessed my aunt commit many acts of ritual abuse.

There were approximately 20 adults and eight to ten children in this particular cult. Ostensibly, women and girls were the center of cult activities. In my family's cult, fertility and sexuality were the focus of many different ceremonies. Numerous sermons were devoted to woman's place in Satan's world. We were told that because Eve had accepted the fruit from the serpent, women were inherently more wicked and evil than men, and so more capable of carrying out Satan's work. Men were considered weaker beings who were manipulated into doing Satan's work. It was a woman's sacred role to tempt men into doing wickedness in Satan's name as her foremother, Eve, had done.

In rhetoric, women seemed to be held in high esteem—but the reality was far different. Women were maligned, humiliated, and abused. A woman's value in the cult was based solely on her sexuality: either her ability to have intercourse or to be fertile and bear children. The men in the cult dominated the women, physically and emotionally.

The abuse was aimed primarily and directly at the women and children. I don't recall witnessing any rituals or abusive acts perpetrated against adult men, although boys in the group were also sodomized, beaten, and tortured, even by their own fathers.

The idea of female wickedness and depravity was pounded into my head at the impressionable age of four. I was told repeatedly that a woman's only value was her ability to sacrifice herself to Satan. If she was worthless to Satan, she would be worthless to the world. I got the message that a female child had no value to cult members, except in her ability to participate in rituals. The life of a girl was an expendable commodity. In our cult, only female infants were sacrificed. Thus, when a woman or teenage girl got pregnant, it was deemed crucial to discover the sex of the fetus. Males were allowed to live. The life of a female depended on the cult's current needs.

Ritual abuse leaves survivors with many problems. Depression, posttraumatic stress disorder, and severe dissociative disorders, including multiple personality disorder, are all common in survivors. Certain rituals can leave survivors physically injured or maimed.

Yet while the effects of ritual abuse can be devastating, they are not necessarily permanent. Healing is possible. The strength and the courage that were needed to survive the abuse will see a survivor through the toughest days of recovery.

In order to heal, the bonds of mind control must be destroyed. Overwhelming fear, irrational thoughts, and social isolation can keep the survivor shackled to the cult. The survivor must first be absolutely and unconditionally removed from that situation. This first step is often the hardest. It is essential to have a good therapist when working through these issues. Ask specifically if the

therapist is experienced in ritual abuse issues. Some providers who are not educated about ritual abuse can actually make matters worse. The survivor has been through enough already.

Many health insurance programs cover the cost of counseling. But if money is a problem, the survivor should try to find a mental health agency that provides free or reduced-cost counseling for sexual abuse survivors. Another possibility could be a state fund for victims of violent crimes. Check the local district attorney's or sheriff's office for details concerning eligibility. I strongly encourage survivors to seek out their own resources. Education and support are the keys to recovery.

My mother became pregnant a few months after I was inducted into the cult. About seven months later, the cult decided she was carrying a girl child. Her labor was induced and the infant delivered

prematurely by the cult doctor at our house. I witnessed the birth. The baby was born tiny, but alive.

Two days later, I was forced to watch as they killed my baby sister by decapitation in a ritual sacrifice. The sacrifice was followed by a communion ritual, during which human flesh and blood were consumed. The death was never reported, because the birth had not been reported.

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In rhetoric, women were held in high esteem. In reality, women were humiliated and abused.

logical abuse. Even as an adult, I sometimes find myself trapped in the lies and threats the cult used to indoctrinate and control me.

Ritual abuse has been cloaked in darkness for too long. Our society has a history of denying and minimizing the existence of all abuse, particularly ritual abuse. Many people don't want to face the fact that ritual abuse occurs in their modern, "civilized" society. The horror and grotesqueness of these details are too much to accept. People would rather believe that survivors—particularly women survivors—are crazy. This keeps many survivors from coming forward. It is time to look at the subject in daylight, time to differentiate between satanism and ritual abuse, to examine the role of male domination, cult secrecy, and the types of abuse and rituals used.

Ritual abuse can be difficult to define. Each victim's experience can vary greatly. The best definition I have found comes from the Los Angeles County Commission for Women (LACCW), which sponsored a ritual abuse task force that defined the practice as:

"A brutal form of abuse of children, adolescents, and adults, consisting of physical, sexual, and psychological abuse, and involving the use of rituals. Ritual does not necessarily mean satanic. However, most survivors state that they were ritually abused as part of satanic worship. . . . Ritual abuse rarely consists of a single episode. It usually involves repeated abuse over an extended period of time."

Ritual abuse can be perpetrated by family members or strangers, men or women, rich or poor, educated or uneducated people. It can take place in a home, a day care center, or a barn. It encompasses every form of child abuse. At its worst, ritual abuse can involve severe torture. Some experts define ritual abuse to include ritualistic abuse that is not cult-based. For example, David Finkelhor—a pioneer in the research of child sexual abuse—includes pseudoritual abuse used for the purposes of child pornography, and also obsessive, sadistic behavior performed ritualistically by sociopathological individuals. I have chosen to focus on *cult* ritual abuse, because it is still so gravely misunderstood.

In cults, ritual abuse can be used for the purpose of indoctrinating new members into the cult belief system. Cult ritual abuse is devastating to the individual, and it can also be lethal. I personally witnessed the murders of two children, one of whom was my baby sister. These deaths were a direct result of satanic ritual sacrifices.

Satanism is defined by the dictionary as "the worship of Satan marked by the travesty of Christian rites." Basically, this means that satanic religions use the same prayers and ceremonies as the Christian church, substituting Satan's name for God's and the word "evil" for the word "good." The format of the ceremony is similar to some Christian services.

Satanic worship can take place without ritual abuse. According to the LACCW task force, spokesmen for the two larger satanic organizations have stated that abuse and sacrifice are not a part of their organized worship. But not all satanic worship falls under the auspices of these organizations. Exactly how often abusive acts are a part of satanic worship is difficult to ascertain. The secretive nature of the abuse eludes accurate statistics.

There are some small family cults passed down from generation to generation, in much the same way as other religions are passed on. Children are taken to services and exposed to cult activities and ideas at an early age. Other children can be brought into the cult—through day care exploitation, for example. The cult beliefs become ingrained in the thinking and behavior of these children. Blood sacrifices and death sacrifices can sometimes be a part of these smaller cults.

My mother's otherwise ordinary middle-class family participated in one of these secret satanic cults. We lived in a small city, but our Saturday nights were regularly spent at explicitly satanic cult meetings held in a cabin in the country, a site the cult owned specifically for ritual purposes. I can trace the family's involvement back to my grandmother's generation at the very least, although it probably goes back further. Most, perhaps all, of my mother's family were involved. She herself was indoctrinated at a very young age, and it was she who introduced me to the cult.

My indoctrination and most intense involvement took place when I was four to five years old. (My father, an



My mother's otherwise ordinary middle-class family participated in a generational satanic cult.

## POSTTRAUMATIC STRESS DISORDER

PTSD can be caused by any highly traumatic event. It is characterized by flashbacks, intrusive nightmares, emotional detachment or dissociation and, sometimes, survivor guilt. Severe PTSD is typical for ritual-abuse survivors.

It helps to educate oneself and loved ones about PTSD, to learn how to care for oneself and how to deal effectively with any symptoms that might arise, to accept the flashbacks as a fact of life for survivors and prepare for them, to recognize stressful aspects of one's life, and try to reduce stress as much as possible.

There was no official evidence that the infant had ever existed, let alone that she had been murdered.

There were no witnesses, other than cult members and their children. As far as I can tell, my father was never aware that my mother had even been pregnant. My mother had been impregnated by the cult soon after his departure. When he came home from Vietnam, he seemed unaware of my mother's cult ties. My father, who frequently made comments about my mother's "crazy family," was apparently in denial about the reality that she was involved in a ritualistic cult. I tried to tell him everything, but he passed my stories off as childhood nightmares. He soon received another army assignment, and my mother and I moved away with him. This ended the intensive period of cult involvement, but for the next 20 or so years, every time my mother took me "home" as a child, or when I visited her and her family even as a young adult, the cult terrorized me and pulled me back in. Yet after

## MULTIPLE PERSONALITY DISORDER

The subject of multiple personalities is complex and still largely misunderstood. There is much controversy among professionals about how to define and treat MPD. Some therapists do not consider this a disorder at all, but a very effective coping technique in the face of overwhelming trauma.

A survivor should honor what her mind did to cope with the horrors of abuse. It's vital to ignore the sensationalism of the press: having MPD does not make you "crazy." Karyn Willis

DeLorme, a Hagerstown, Maryland, therapist specializing in early childhood trauma, states:

"Prognosis is excellent when intensive psychotherapy with an experienced clinician is available." Seek out a therapist specifically trained in MPD.

Having alter personalities does not mean one is possessed by evil spirits. In my family's cult, MPD was purposely manifested in some cult members strictly for the intent of showing "possession" by the devil. MPD is a phenomenon of the human mind—no more, no less.

## SEXUALITY

The violent, often grotesque, nature of ritual sexual abuse can leave the survivor with a view of sex that wavers between terror and nausea. Some survivors may not know what "normal" (nonviolent) sexual behavior is. A survivor should promise herself never to participate in S and M tactics when having sex; it repeats the abuse and could trigger flashbacks or regression. Sex is not supposed to hurt.

If a survivor is already in an established relationship when memories emerge, she should talk honestly with her partner. She may need to redefine her sexuality; she may need a break from sex altogether. I needed, and took, a long rest from sex. It was difficult, but my relationship survived, and my partner and I enjoy a comfortable sex life at this point.

Yet the clues are not always obvious. Sexual, emotional, and psychological abuse leave few external scars. And cult leaders are knowledgeable about how to perform ritualistic abuse so it will not be detected.

In *Combatting Cult Mind Control* (Park Street Press), Steven Hassan writes that "the cult member comes to live within a narrow corridor of fear, guilt, and shame . . . fear is a major motivator." I grew up absolutely convinced that if I ever got out of line, I would be killed like my baby sister. This fear is typical of children who are exposed to cults. The LACCW task force notes that "victims are subjected to profound terror as well as to mind control techniques so severe that most victims dissociate their memories of the experience and lose their sense of free will."

Because of the strict secrecy, even a close family member may not be aware of the cult involvement. My paternal grandparents lived in the same town, saw me frequently, and still did not know I was being ritually abused. Because of the threats I had received, I never

## RELIGION AND SPIRITUALITY

Because the abuse took place in a ritualistic setting, any reminders of rituals and ceremonies may trigger flashbacks. No survivor should force herself to participate in church activities that are painful. I am still not comfortable in a Christian church. Instead, I choose to explore my faith in other ways, by understanding that spirituality comes from within me.

Friends or partners of survivors can help greatly by accepting the survivor's choices about church, religion, and spirituality, and by letting the survivor explore her spirituality in her own way and at her own pace.

my experience of being disbelieved by my father, I did not even try to talk about my cult experiences for the next 25 years.

I had expected my father to know, somehow, that I had been abused.

## HELPFUL BOOKS

Bass, Ellen, and Laura Davis, "The Courage To Heal: A Guide for Women Survivors of Child Sexual Abuse" (HarperPerennial, 1988). The definitive book on healing. Has a good chapter on ritual abuse.

Davis, Laura, "Allies in Healing: When the Person You Love Was Sexually Abused as a Child" (HarperPerennial, 1991). This book is useful to survivors as well. It has an excellent short chapter on cult abuse and a good resource list.

Davis, Laura, "The Courage To Heal Workbook: For Women and Men Survivors of Child Sexual Abuse" (HarperPerennial, 1990). Companion book to "The Courage To Heal."

Gil, Eliana, Ph.D., "United We Stand: A Book for People with Multiple Personalities" (Launch Press, 1990; P.O. Box 5629, Rockville, Md. 20855). This small book encourages multiples to "see themselves as the creative,

sturdy, smart survivors that they are."

Greven, Philip, "Spare the Child: The Religious Roots of Punishment and the Psychological Impact of Physical Abuse" (Knopf, 1991). Discusses the

abusive nature of religious upbringing. Very relevant to cult survivors. Religious support of abuse is not limited to cults! This book also has an in-depth section on the consequences of abuse.

Hassan, Steven, "Combatting Cult Mind Control" (Park Street Press, 1990; Rochester, N.Y.). Deals with the protection, rescue, and recovery from destructive cults. Useful list of resources included.

I told my grandparents what was happening. It wasn't until I was in my late twenties that I finally was able to sever all contact with the cult—which also meant severing contact with my mother and her family.

Dissociation and repression of memories make disclosure very difficult. The victim may not have conscious awareness that abuse took place. If memories do emerge years later, descriptions of the rituals are so bizarre that they are often discounted as untrue.

**P**hysical abuse is the most easily detected form of abuse, the type that leaves the most clues. But cult members are smart; there was a doctor in our cult who taught members how to "discipline" children so as to leave no scars. Some examples are torture with pins and needles, forcing a child to take mind-altering drugs, and submerging a child in water, particularly as part of a satanic baptismal ritual. Other tactics include withholding of food or water, sleep deprivation, and

## GROUPS AND ORGANIZATIONS

American Family Foundation, P.O. Box 2265, Bonita Springs, Fla. 33959-2265; (212) 249-7693.

A research and educational organization founded to assist ex-cult members and their families.

Believe the Children, P.O. Box 268462, Chicago, Ill. 60626; (708) 515-5432. A volunteer organization that addresses issues of the sexual and ritualistic exploitation of small children. Resource list, referrals, speakers' bureau.

National Coalition Against Sexual Assault (NCASA), P.O. Box 21378, Washington, D.C. 20009; (202) 483-7165. Provides information for survivors of sexual assault of any kind.

National Organization for Victims Assistance, 1757 Park Rd., N.W., Washington, D.C. 20010; (202) 232-6682. Aids victims in locating resources in their local area.

VOICES in Action (Victims of Incest Can Emerge Survivors), P.O. Box 148309, Chicago, Ill. 60614; (312) 327-1500. International organization for survivors, professionals, and partners. Newsletter, referrals, ritual abuse help list, R.A. survivors correspondence group. —E.S.R.

forced eating of feces, urine, blood, or raw flesh.

Of course, some cults do use more obvious methods, and physical abuse is often used in cult families, even outside the context of the cult. Physical beatings, use of cuts, burns, or tattoos, and the removal of body parts have all been reported by survivors. I personally witnessed the removal of a boy's testicle as part of a ritual ceremony. Nothing was used to numb the pain. He was instructed to tell anyone who asked that he had been born with only one testicle.

Many cult rituals focus on sexual themes. My mother and my best friend were both raped as part of fertility rituals. The victim was strapped to the altar table in front of a ritual gathering and systematically gang-raped while the fertility rites were chanted. The purpose was to impregnate the victim. The resulting fetus was sometimes used in ritual sacrifice.

Other sexual abuse includes the raping of young girls or infants. Both girls and boys may be sodomized or penetrated with symbolic objects, such as a crucifix, or with weapons. There can also be forced

sexual contact with infants, animals, or dead bodies.

It must be emphasized that these rituals are *not* used primarily for spiritual or religious purposes. They are used expressly for the purpose of control and intimidation of cult followers. In my family's cult, I was told by the leader that members were like a flock of sheep and the rituals kept them in line. This leader did not believe in the existence of Satan and told me that I needn't

either. Belief in Satan is cultivated in order to instill fear, and the use of rituals is an emotional straitjacket designed to keep cult members under control.

More direct forms of mental abuse are also used. Verbal abuse, brainwashing, isolation, and violent threats are only a few of the tactics employed. Mind control and psychological abuse are key elements of ritual abuse. The victims, particularly children, can then be easily molded into the cult ideal. As the LACCW task force report states, "During and even long after the abuse, victims live in a state of terror and dissociation . . ."

It is very hard to overcome the intense fear and guilt. The irrational thoughts I had when my daughter became ill are a good example of how pervasive mind control can be. The younger the child is, the more likely mind control methods will be integrated into the child's personality—or that multiple personalities will develop.

Another form of control is through "social" abuse. This is a term I have coined to describe how a cult takes children out of mainstream society and socializes them in such a way that they cannot return. Some people come out of a cult not knowing the simplest of social skills. For example, a child is taught that a fork is a weapon. Use of table cutlery is basic to modern Western societies. To deprive a child of exposure to such fundamental social skills constitutes social abuse. I was once put in isolation for several months, which meant that no one spoke to me, answered me, or touched me unless in public with noninitiates around. I remember feeling literally invisible, believing that I would die unless someone touched me—any kind of touching, even painful, was better than none. Cult children may never learn how to meet people, make friends, or sustain a lasting relationship. Not coincidentally, lack of social skills tends to keep the victim tied to the cult, the only familiar environment. Breaking off from the cult means breaking off from strong social ties, and in many cases, breaking off from one's own family.

This develops into the vicious cycle of intergenerational abuse. Cult children find that their only companions are those who were also exposed to cult behavior. They grow up frustrated by their primal need for social interaction and tormented by the repressed rage caused by constant abuse. They sometimes turn into abusers

themselves. The cycle is repeated until individual survivors have the strength *and* the resources to break free.

How do we stop ritual abuse?

For a start, we can believe that it exists. Because society tends to doubt stories of ritual abuse, this attitude carries over into the court system. Laura Davis, author of *Allies in Healing*, writes, "Many therapists, law enforcement personnel, judges, and lawyers prefer to believe that cult abuse survivors are suffering from hallucinations; that their memories are merely fantasies."

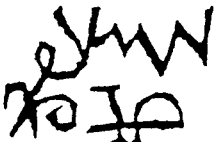
Indeed, far too little is done at this point to combat cult crimes. The Illinois Coalition Against Sexual Assault has addressed this issue in its publication, *Coalition Commentary*: "Because children are considered poor witnesses, and because most people cannot accept that horrible crimes are committed upon children, offenders are freed. Children are revictimized because people cannot face the truth."

The truth is that *ritual abuse exists*. It is hideous and devastating. It does not exist because some evil force is trying to gain control of the world. It exists because violence is perpetrated against women and children, and then passed on to the next generation. Ritual abuse is at the extreme end of a continuum of abuse. Generations of abusive behavior cannot be overcome simply by throwing a few perpetrators in jail. Society must take on the responsibility of finding a way to eradicate *all* kinds of abuse.

Most important, if we want to stop ritual abuse, the first step must be to believe that these brutal crimes occur. Society's denial makes recovery much more difficult for survivors. Those who have suffered from ritual abuse need the same respect and support that would be given to survivors of any tragedy.

I, for one, am tired of living my life in the shadows of cult ritual abuse, and I am tired of living in fear. It is only by taking this unbelievable reality out of the shadows and into the sunlight that we can begin to wake up—and put an end to it. **Ms**

*Elizabeth S. Rose is the pseudonym of a free-lance writer currently working on a novel about ritual abuse. She lives with her husband in the southeastern United States. They have two children who have never been exposed to cult activities.*

 If we want to stop ritual abuse, the first step is to believe these brutal crimes occur.

STATE OF MONTANA  
**DEPARTMENT OF JUSTICE**  
GAMBLING CONTROL DIVISION

Joseph P. Mazurek  
Attorney General



2687 Airport Road  
PO Box 201424  
Helena, MT 59620-1424

**Department of Justice Substantive Amendments to Gambling Laws**

The substantive changes as proposed by the Department and the Gambling Control Division, and as discussed by the Gaming Advisory Council, are summarized below. The type or category of the amendment is footnoted.

Section 1: Provides uniform compensation for Gaming Advisory Council Members (2-15-2021). This would pay Council members \$25 per day for Council activities. The Division had been paying compensation until the Legislative Auditor pointed out that the law creating the Advisory Council did not provided for payment, which conflicts with provisions in Title 2. The \$25 amount is typical for such activities.\*\*\*

Section 2: Clarifies definitions to reflect actual activities in the gambling industry (example: defines a "route operator"). Also limits promotional activities to legal gambling activities only (23-5-112). The new language limits the use of promotional games of chance to those simulating a legal gambling enterprise. As such, no consideration should be paid to play. (See also Sections 11 and 12).\*\*\*

Section 3: Redistributes criminal fines and penalties among local governments and the state (23-5-123). This recommendation would provide a split similar to current split of district court fees: one-third of funds collected through civil or administrative proceedings goes to the state (in this case, the Gambling Control Special Revenue Fund), and the remainder goes to the city or county where the violation occurred. If the violation occurs in a city, the county is not entitled to any of the funds.\*\*

Section 4: Clarifies that the Department of Justice must have clear and convincing evidence before issuing a temporary cease and desist order (23-5-136). By including the words "clear and convincing evidence," the law would reflect the current practice and standards in use by the Division.\*\*

New Section 5: Establishes "reasonable man standard" for the types of evidence that may be admitted during an administrative proceeding. This could allow the department or an applicant to admit into the record evidence that would pass the reasonable man standard.\*\*

New Section 6 and 22: Clarifies the law with regard to the importation of illegal gambling devices for manufacturing purposes (23-5-152). Current law allows a manufacturer to import devices and the new language clarifies why a manufacturer would want to import illegal devices; i.e., to be reconditioned or repaired in part or substantially modified for eventual export out of the state.\*

Section 7: Provides a felony penalty to the credit gambling law (23-5-157). This new language would define credit extended over \$300 as a felony violation.\*\*

## Page Two: Substantive Amendments

Sections 8 and 24: Provides penalty for minors violating the underage gambling law (23-5-158, 41-5-203). Currently there are no penalties for these violations; these revisions would establish a civil penalty not to exceed \$50 or as entered in proceedings held in youth court. \*\*

Section 9: Clarifies shake-a-day provisions (23-5-160). Mostly clarification, making the game more like the one played in the past. The language would allow more than one game per day.\*

Sections 10 and 19: Clarifies provisions regarding "grandfathered" establishments (23-5-306, 23-5-611) in accordance with the legislative intent of the 1989 law. States that only natural persons (not businesses) are allowed to be grandfathered for live card games and video gambling machines on off-premises (non-liquor) sites, and that this person must have continuously owned the establishment since January 15, 1989.\*

Sections 11 and 12: Clarifies provisions on live card game tournaments (23-5-312 and 317). Clearly states that the legislative intent in allowing these tournaments was that such events be held only on occasion. The revisions would require that the operators use card games rules and would not allow them to roll-forward several games, resulting in a prize exceeding the current standard of \$300. In addition, it limits promotional card game prizes to \$300 and live bingo or keno promotional games to \$100 (23-5-312, 23-5-412). This would restrict the amount of cash prizes that can be given for promotional games of chance (where no consideration is paid to play).\*, \*\*\*

Section 13: Clarifies language concerning operators' liability regarding illegal activities by contractors (23-5-324). The new language would make it clear that operators of gambling establishments are not automatically free of liability for illegal activities by contractors working on their premises if they allowed the activity to go on or participated in the activity. Any prosecution will still have to prove the operator had knowledge and intent.

Section 14: Redefines bingo to permit a game to consist of more than one arrangement of numbers (23-5-112, 412). Allows multiple games on one set of bingo balls, but awards cannot be combined so as to exceed \$100 as in current law.\*\*\*

Section 15, 16, 18 and 20: Creates separate licenses for manufacturers, distributors, and route operators (23-5-112, 23-5-626, 23-5-631). Separate licenses would be required instead of one license which covers all three functions because these are very different activities. It would not prevent one entity from having multiple licenses and would better define the activities allowed. Furthermore, the Department could waive fees if more than one license was requested.\*\*\*

New Section 17: Defines allowable route operator activities with regards to operators (23-5-625). Define the normal business relationship between a route operator and the premises operator.\*\*\*

Page Three: Substantive Amendments

New Section 21: Identifies circumstances when an operator's license is not needed for the sale of video gambling machines. For example, lienholders acquiring the title through foreclosure (i.e., banks) can sell machines to licensed entities. Also, this new section reinstates the language being stricken from 23-5-625(2) which is converted to define "manufacturer".\*\*\*

Section 23: Clarifies definition of a cakewalk amusement game and the skill chutes and bulldozer amusement games (23-6-104). These changes will help County Attorneys who are most likely to be called on to interpret the law in this area.\*

- \* Clarification of language or intent
- \*\* New or changed criminal penalties, or changed legal procedures
- \*\*\* Procedural changes

Amendments to House Bill 411  
First Reading Copy

Prepared by Department of Justice

1. Page 18, line 11.

Following: line 11

Insert: "(iii) the illegal gambling device will be exported from the state; and"

2. Page 18, line 12.

Strike: "(iii)"

Insert: "(iv)"

3. Page 29, line 20.

Following: line 20

Insert:

**Section 15.** Section 23-5-501, MCA, is amended to read:

**23-5-501. Definitions.** As used in this part, unless the context clearly requires otherwise, the following definitions apply:

(1) "Sports pool" means a gambling activity, other than an activity governed under chapter 4 or chapter 5, part 2, of this title, in which a person wagers money for each chance to win money or other items of value based on the outcome of a sports event or series of sports events wherein the competitors in the sports event or series of sports events are natural persons ~~or animals~~.

(2) "Sports tab" means a folded or banded ticket with a face covered to conceal a combination of two numbers, with each number ranging from zero through nine.

(3) "Sports tab game" means a gambling enterprise conducted on a card to which 100 sports tabs are attached that have 100 different combinations for which consideration in money is paid by the person purchasing each tab. A person may purchase a sports tab from the card for the chance to win money or other items of value on a sports event as provided in 23-5-503.

Renumber remaining sections accordingly.

4. Page 30, line 18.

Following: "fee"

Insert: "and licensing fee"

5. Page 31, line 17.

Following: "fee"

Insert: "and licensing fee"

6. Page 37, line 12.

Following: "fee"

Insert: "and licensing fee"

7. Page 52, line 18.

Following: line 18

Insert:

NEW SECTION. Section 26. Coordination instruction. (1)  
If [House Bill 142] is passed and approved, then [Section 7] is amended to provide a consistent threshold dollar limit for a felony offense.

Renumber remaining section accordingly.

Amendments to HB411, Introduced Copy  
Proposed by the Montana Coin Machine Operators' Association

1. Page 7, line 1.

Following: "manufacturer"

Insert: ", distributor or route operator"

2. Page 7, line 3.

Following: "sells"

Insert: "or leases"

3. Page 10, line 15.

Following: "sells"

Insert: "or leases"

Following: "licensed"

Insert: "manufacturer,"

4. Page 12, line 15.

Following: "manufacturer"

Strike: "or"

Insert: ", route operator or"

5. Page 12, line 18.

Following: "(b)"

Inserts: "sells or"

6. Page 12, line 19 through 21.

Following: "public"

Strike: ", and"

Insert: ",."

Strike: subsection (c) in its entirety.

7. Page 29, line 25.

Following: "(2)"

Strike: "The"

Insert: "Except as provided in subsection (6), the"

8. Page 30, line 17.

Following: "department"

Strike: "may"

Insert: "shall"

Following: "waive"

Insert: "the license fee provided for in subsection (2) if the applicant is licensed as a manufacturer or route operator and"

EXHIBIT

DATE

2/5/93

HB 411

HOUSE OF REPRESENTATIVES  
VISITOR'S REGISTER

Judiciary COMMITTEE BILL NO. HB 409  
DATE Feb. 5, 1993 SPONSOR(S) Paulovich  
PLEASE PRINT PLEASE PRINT PLEASE PRINT

| NAME AND ADDRESS    | REPRESENTING              | SUPPORT | OPPOSE |
|---------------------|---------------------------|---------|--------|
| Clara Gilreath      | MT. Assn. Clerks of Court | ✓       |        |
| Loei MALONEY        | " " " " "                 | ✓       |        |
| <del>M. Ester</del> |                           |         |        |
| Cort Harrington     | " " "                     | ✓       |        |
|                     |                           |         |        |
|                     |                           |         |        |
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ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.

HOUSE OF REPRESENTATIVES  
VISITOR REGISTER

COMMITTEE

BILL NO.

*SB 405*

*Fisher*

*Judiciary*

DATE *Feb. 5, 1993* SPONSOR(S)

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

| NAME AND ADDRESS | REPRESENTING  | SUPPORT  | OPPOSE |
|------------------|---------------|----------|--------|
| <i>M Fisher</i>  |               |          |        |
| <i>M GARY</i>    | <i>Parent</i> | <i>✓</i> |        |
| <i>A Gilkey</i>  | <i>DFS</i>    | <i>x</i> |        |
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HOUSE OF REPRESENTATIVES  
VISITOR'S REGISTER

Judiciary COMMITTEE BILL NO. HB 411  
DATE Feb. 5, 1993 SPONSOR(S) R Johnson  
PLEASE PRINT PLEASE PRINT PLEASE PRINT

| NAME AND ADDRESS                                                | REPRESENTING               | SUPPORT | OPPOSE |
|-----------------------------------------------------------------|----------------------------|---------|--------|
| John E. Thomas<br>128 Fairway Dr Hel                            | BOP                        |         |        |
| CRAIG S. THOMAS<br>300 MARYLAND AV. DEER LODGE BOARD OF PARDONS |                            |         |        |
| STEVE ARNTZEN<br>P.O. Box 21138 BILLINGS                        | GIA                        |         | X      |
| Pam Ehli-                                                       | GIA                        |         | X      |
| Dennis Casary                                                   | Gaming Industry Assn       |         | X      |
| Quint Jessop                                                    | Dept of Justice            | ✓       |        |
| SAM MURFITT                                                     | MROHR                      |         |        |
| M. Dancy                                                        | Parent                     | ✓       |        |
| DENNIS M. TAYLOR                                                | JUSTICE                    | X       |        |
| Gloria Hennison                                                 | Don't Gamble w/ the Future | X       |        |
| Rob Smith                                                       | DOJ                        | X       |        |
|                                                                 |                            |         |        |
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