

MINUTES

MONTANA SENATE
51st LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: By Chairman Bruce Crippen, on February 9, 1989, at 10:00 a.m. in Room 325.

ROLL CALL

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

Members Excused: Senator Tom Beck

Members Absent: None

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

Announcements/Discussion: Chairman Crippen announced that the three bills dealing with pornography would be heard concurrently since they were all sponsored by Senator Hofman. He asked that all present remain quiet and courteous throughout the hearing.

HEARING ON SENATE BILLS 307, 342 AND 263

Presentation and Opening Statement by Sponsor: Senator Sam Hofman of Manhattan, District 38, opened the hearing reading a prepared statement. (See Exhibit 1A) The purpose of Senate Bill 263 was to prohibit certain sexual conduct where alcohol was sold; Senate Bill 307 prohibited exhibiting or disseminating obscenity and Senate Bill 342 Prohibited the sale of material harmful to minors. He asked Bryan Asay, an attorney, to explain the bills as part of the opening. Mr. Asay went through the bills section by section explaining them in detail. Senator Hofman distributed copies of Landmark U.S. Supreme Court Decisions on Obscenity. (See Exhibit 1C)

List of Testifying Proponents and What Group they Represent:

Len Munsel (C.D.L.), Tempe, AZ attorney
Terry Crooks, Libby, Montana
Dr. Mark Mozer, Helena, Clinical Psychologist
Russ Osenbach, Probation Officer, Boulder, MT
John Burk, Deer Lodge, MT, employee at the state prison
Don Johnson, Missoula, MT
Steve Carlson, Bozeman, MT, First Lutheran pastor
Randy Vogel, Billings, MT policeman
Tom McGillvray, Billings, MT, Yellowstone C.D.
Aubyn Curtis, Fortine, MT
John Ortwein, Montana Catholic Conference
Terry Crooks, Libby, MT, V. Pres., Montana Citizens for
Decency
Carl Hatch, Helena
Bryan Asay, Montana Family Coalition
Ted Lympus, Kalispell
Mignon Waterman
Don Allison
Phil Strobe, Helena Attorney for the Montana Tavern
Association

List of Testifying Opponents and What Group They Represent:

Robert Scott, American Civil Liberties Union (ACLU)
and on behalf of himself

Testimony:

Len Munsel spoke about the effects of pornography on people. He felt there was a strong link between pornography and sexual deviance. He presented a paper to the committee. (Exhibit 1B). He read explanations of the bills and of their constitutionality. He said that 44 states have passed this legislation. He said that no one is attempting to ban "Playboy", but were attempting to ban hard-core pornography. He spoke of the Miller case and of the Polk decision and of their relation to these bills.

He said the language in SB 307 came from a Michigan Decision. Pornography is a big money-maker for organized crime, he told the committee, and he felt these bills would discourage that industry from basing in Montana. He read statements from law enforcement personnel regarding distribution of pornography which indicated that organized crime had a network throughout the country controlling 85 to 90% of the distribution.

Senate Bill 263's proposed language has been upheld in three separate court cases, said Mr. Munsel. He spoke to the amendment which would be proposed by the Montana Tavern Association.

Terry Crooks showed a video of a Ted Bundy interview, in which Mr. Bundy told of the disastrous effects that pornography had on his life. (See Exhibits 2 -- videos)

Dr. Mark Moser read written testimony into the record. (See Exhibit 3)

Jon Berg said he was alarmed at the pornography on the market today. He read written testimony into the record (See Exhibit 4, p. 1) He also read, in part, letters from inmates at the prison that told of the effect that pornography had on their lives (Exhibit 4, pages 2 through 7) He read some of the titles of books that were hard core pornography. He said it was difficult to keep pornography out of the hands of inmates and stated that it lead to great difficulty. There is currently a lawsuit against the prison for \$750,000 for not rehabilitating a prisoner who sodomized, raped and killed the boy in Libby.

Don Johnson read and distributed copies of a letter from Michael Scolatti, a licensed clinical psychologist who deals with sex offenders (Exhibit 5, page 1) He also submitted a letter from Captain Larry Weatherman of the Missoula County Sheriff's department (Exhibit 5, pages 2 and 3) and read it to the committee.

Steve Carlson presented copies of a paper entitled "Montana Religious Alliance for Decency Communique on Pornography and Obscenity" (See Exhibit 6). He said the organization represents about 200,000 church members within Montana.

Randy Vogel presented written testimony to the committee. (See Exhibit 7)

Tom McGillvray presented written testimony to the committee. (See Exhibit 8)

Aubyn Curtiss testified in favor of the bill. (See Exhibit 9)

John Ortwein read testimony into the record (See Exhibit 10)

Terry Crooks gave testimony to committee members from people

who were unable to attend the hearing. (Exhibit 11, pages 1 through 15) He said citizens have the right to protect the provide a safe environment for their families. He showed some slides showing perverse cartoons to the committee.

Carl Hatch gave written testimony (Exhibit 12) to be placed into the record favoring the bills.

Bryan Asay urged passage of the bills .

Mignon Waterman supported the legislation.

Don Allison, presented a letter from Ted O. Lympus, County Attorney from Flathead County to the committee in support of the legislation (Exhibit 13).

Phil Strobe said his association represents about half of the beverage licensees in the state and is concerned about Senate Bill 263 which separates his industry out from others relating to sexual acts where alcohol is sold. He said the tavern owners do not condone the sale of pornography or sexual acts. He said that his industry wished to offer an amendment to SB 263, amending it so that anyone who does business with the public will be charged with the crime and will pay the penalty -- not just the liquor industry. That would include bookstores, movie houses, etc. who commit offenses in this area, he added.

A petition signed by 725 persons (Exhibit 15) was left with the committee favoring the three bills.

Opponents: Robert Scott said the ACLU's position on all three bills is that they oppose them as they exist and will challenge them if they are enacted into law. He commented on the "largely emotional" testimony of the proponents who "admittedly" were attempting to illegalize any sexual material whatsoever. He addressed the constitutionality issue, definitions of "sexual material," and Supreme Court decisions, copies of which were placed into the record. (Exhibit 16). He felt the law was very broad and was probably on the edge of constitutionality. The application of the law could be challenged, as well as on its constitutionality, he said. Definitions of "a reasonable person" were questionable in his estimation. He felt the bills were censorship. He said the bills didn't address violence.

Testifying for himself, he said the bills would be costly to administer. He said the bills would result in a series of

law suits and told the committee that it costs money to police magazine stands, as well as to prosecute, appeal etc. As to kiddy porn, he said that was already illegal. Passing the bills won't result in an absence of this material, he told the committee. He suggested that the committee could pass the bills in a form that would eliminate kiddy porn and violent material, but he asked that the bills not be passed in their present form because they would be an invitation to litigation.

Questions From Committee Members: Senator Pinsoneault asked Mr. Munsel to address the Montana Tavern Association comments. Mr. Munsel said he agreed with the proposed amendment. He said that the laws as determined by the Supreme Court would have to be taken into consideration in working on the amendment. He said the amendment, as proposed, seemed to regulate nude dancing and sexual conduct that was not tied in with the state's power to regulate the sale of alcohol. There were also situations under which alcohol is sold and is regulated under the 21st Amendment. He felt the amendment proposed by Mr. Strobe was unconstitutional.

Senator Mazurek said, if we have to rely on the 21st Amendment, wouldn't it be unconstitutional as an infringement on the freedom of speech. He asked for an explanation on what he meant. Mr. Munsel answered that, in the regulation of nude dancing, it was a prohibition on nude dancing and sexual conduct (not tied into obscenity) that occurs in the statute regarding licenses to selling liquor. It was not necessary to meet the three-part Miller standard for obscenity, he said. If something was obscene under Miller, he said, it would be outside the protection of the 1st Amendment. When the state gets into the area of regulating a type of sexual activity occurring in public, such as nude dancing that is not obscene under Miller, the nude dancing may be determined to have serious artistic value and may not be prosecuted. If it is tied in under the state's authority with the 21st Amendment, different material can be regulated than under the obscenity statute.

Senator Yellowtail asked if Ted Bundy plead guilty to the offenses for which he was convicted. Senator Pinsoneault said no, that he was convicted by a jury.

Senator Pinsoneault asked if Mr. Crook accepted on face value everything that Ted Bundy said in the video

presentation. Mr. Crook said nobody pretended that he was completely reliable.

Senator Yellowtail said the committee was being asked to accept the video as credible evidence. Mr. Crook said he expected the situation as a whole would have to be considered, and would have to be evaluated the same as any evidence given, such as the U. S. Attorney General's report. It concluded, after a year's study, that obscenity did have an affect.

Senator Pinsonneault asked how long Mr. Scott had practiced law. Mr. Scott answered since 1982. He said he had done criminal law prior to being employed by the state. He said he was not on administrative leave to work on this testimony.

Senator Pinsonneault asked Mr. Scott if he had done criminal defense work. He answered yes. Senator Pinsonneault asked why he felt Mr. Bundy's testimony would be fabricated. Mr. Scott thought Mr. Bundy might be hoping for last-minute clemency.

Senator Halligan asked about the constitutionality of definitions. Mr. Munsel said he disagreed that they were unconstitutional, that the bills were copied after other states laws which existed in other states. He said the ACLU always "wants you to believe you are on the cutting edge" of constitutionality.

Senator Halligan asked Mr. Munsel if the language proposed had been accepted by circuit courts or the Supreme Court. The answer was yes.

Senator Mazurek said he had understood that 44 states had similar laws to all three of the bills. Mr. Munsel said that only applied to the obscenity bill. A number of states have regulations on nude dancing and establishments that sell alcohol.

Senator Mazurek asked if those laws had been challenged and the answer was yes.

Senator Mazurek commented that Mr. Scott had criticized the bills as being too broad and too vague. He asked how he would suggest amending them. Mr. Scott said he was not prepared to do that at the time. He had only been asked to testify the day before and had not had time to

prepare or study all the statutes completely. He said he would be willing to work with anybody.

Senator Yellowtail asked Senator Hofman what his intent was regarding the sale of "Playboy" magazine. He said he had no intention of stopping the sale of "Playboy" because it does not meet the Miller definitions of being obscene.

Senator Yellowtail asked if one particular issue might contain material that might meet the qualifications for obscenity. Senator Hoffman said that could happen, but overall, the magazine did not.

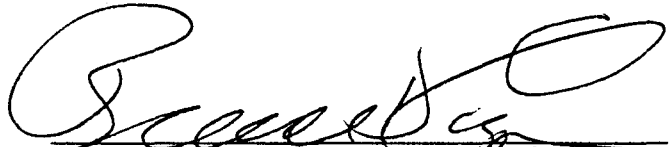
Senator Yellowtail said he had heard of a controversial book called "Our Bodies Ourselves" and wondered if that would be considered obscene. Mr. Crook said it would actually be protected by SB 307 because it contains serious scientific, literary, political or artistic value. For the same reason, "Playboy" has not been defined as obscene.

Closing by Sponsor: Senator Hofman closed the hearing by reading a written closing statement (Exhibit 16). He also announced that there would be an opportunity for the viewing of other videos relating to the pornographic legislation and situations. In regard to possible amendment, he asked that the committee be fair and careful. He said the law was made broad intentionally because he wanted the intent of the bills to be quite clear. He said that the Supreme Court had defined what was obscene and he wanted the pornographers to know those definitions. He thought the Miller decision was fair. As to frequency of prosecution resulting from the bills, Senator Hofman agreed that would happen to offenders. He said the law presently provided for prosecution of lawbreakers. He urged serious consideration of the bills.

Announcements: Chairman Crippen told the committee that Senator Galt had requested all Standing Committee Reports by the following Monday. He asked that any interested parties work with Valencia on amendments and present proposals at an Executive Session to be held on Saturday morning.

ADJOURNMENT

Adjournment At: 1:00 p.m.



SENATOR BRUCE D. CRIPPEN, Chairman

BDC/rj

minrj.209

ROLL CALL

JUDICIARY

COMMITTEE

51st LEGISLATIVE SESSION -- 1989

Date 2-9-89

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.

SENATE JUDICIARY

EXHIBIT NO. # 1A

DATE 2-9-89

BILL NO. SB 263, 307, 342

SENATE BILLS 263, 307 AND 342

Senator Sam Hofman

Pornography erodes the moral values of our society. It contributes to an ever increasing number of sexual assaults against children and women and is far different from the "Girlie" magazines so many of us think occupy our newsstands.

We know that child sexual abuse rose by 175 percent between 1981 and 1985. We know the rape rate in the United States has increased more than 700 percent since 1933. We are aware of studies that reveal that 77 percent of child molesters of girls admitted initiating the sexual behavior they had seen in pornographic displays. We have been told of a Michigan State Police study which demonstrated that of 38,000 sexual assault cases on file in Michigan 41 percent involved pornography just prior to the act or during the act. We know of a study released by the University of New Hampshire in 1984 that showed that the states with the highest readership of pornographic magazines also had the highest rape rates. And we know of Ted Bundy's admission that pornography fueled his murderous rages.

How much more scientific data do we need before we believe what our common sense has been telling us all along? The evidence is in and it is overwhelming. The experts, such as Doctor Victor Cline, have made it clear: pornography is highly addictive; as time goes on rougher and rougher material is necessary to get a sexual high; gradually what was once awful and shocking becomes acceptable and commonplace; and then those who look at pornography begin to do the things they have seen.

There are times when I ask myself "what has happened to us?" Why are so many of our young people doing and getting involved in so many terrible things? Why are they rushing to sell themselves into bondage? Why are they so bent on destruction?

Maybe the answer to those questions is what Plato said three centuries before Christ when he remarked: "What is honored in a country will be cultivated there."

What is it that we honor in this country?

In 1985 pornographers in America made 8 billion dollars - more than the legitimate film and record industries combined. Up to 20,000 "adult" bookstores and 14,000 video

cassette suppliers feed the hunger for more. More than 400 porno magazines appear annually catering to a growing market for kiddie-porn, sadomasochism, incest and Nazi-porn. And 80 percent of the retail porn industry is owned by organized crime.

What is it that is being cultivated in this country?

Are we providing a lesson in First Amendment principles or conditioning a whole generation with slasher films that bombard their consciousness with alternating erotic and sadistic images that ultimately lead to pain and difficulty for so many of our sons and daughters.

The time to stop this shameful mess cannot be put off any longer. We have fought for our way and quality of life with much less evidence to indicate its peril than that which threatens so many of those among us because of the spread of pornography.

~~We cannot let this cup pass. I hope and pray you will look upon this legislation favorably.~~

WE AS LEGISLATORS, HAVE THE RESPONSIBILITY
OF PASSING LAWS GIVING THE PEOPLE, THROUGH
THEIR LAW ENFORCEMENT AGENCIES AND PROSECUTORS
THE TOOLS THAT THEY NEED TO MAKE MONTANA
A CLEAN, PURE, AND SAFE PLACE TO WORK, PLAY
AND LIVE IN PEACE.

WE CANNOT LET THIS CUP PASS. I HOPE
AND PRAY THAT YOU WILL PASS THIS LEGISLATION.

SENATE JUDICIARY
ENRIT NO. 18
DATE 2-9-89
BILL NO. SB 263

PORNOGRAPHY EFFECTS: EMPIRICAL EVIDENCE

By: Victor B. Cline, Ph D.
Dept. of Psychology
University of Utah, Salt Lake City, Utah. 84112

R-4

DEFINING PORNOGRAPHY

To ascertain if obscenity or pornography have the power to corrupt, injure, or inspire harmful behavior--we first need to define it. The word pornoography is a "lay term" used in common parlance to usually mean "graphic and explicit depictions of sexual activity." Whereas obscenity is a legal term which comes to us from the U.S. Supreme Court's most recent definition (rendered in 1973, Miller vs. California). Here for something to be found legally obscene a jury (representing a cross section of the community) must find three things wrong with it:

- (1) It must appeal to a prurient (sick, morbid, shameful, or lustful) interest in sex.
- (2) It must be patently offensive (e.g. go beyond contemporary community standards with regards to depictions of sexual content or activity).
- (3) Taken as a whole it must lack serious literary, artistic, political or scientific value.

The material has to fail all three tests before it can be found obscene in the eyes of the law and any penalties proscribed.

This means that something could be regarded as "pornographic" but still not be legally obscene--such as such as explicit sex films used to teach medical students about human sexuality or even a film or book with high artistic and/or literary value which had explicit sexual content.

ITS EDUCATIVE IMPACT

There is a myth or belief held by many Americans that pornography (or obscenity)--while it may be vulgar and tasteless--is still essentially harmless and has no real effect on the viewer and can certainly do no real harm.

However--for someone to suggest that pornography cannot have an effect on you is to deny not only its unique educative impact but to deny the whole notion of the educative process itself including all learning everywhere. If you say that a pornographic book can't effect you, then you also have to say that Karl Marx's Das Kapital or the Bible or the Koran also have had no effects on their readers. And thats nonsense. But, of course, books and other media do have an effect on their consumers. Consider a single book by Ralph Nader, Unsafe at any Speed, it set in motion a whole series of events leading to legislation which is now undoubtedly saving thousands of lives yearly on the highway and which put General Motor's Corvair out of business. Shrewd businessmen don't spend

over ten billion a year on television advertising if it didn't sell deodorant, Chevies, and Pampers.

CLINICS USE SEX FILMS TO CHANGE BEHAVIOR & ATTITUDES

Many hundreds of sex counseling clinics in the U.S. daily make use of explicit sexual pictures, films, books, and videos to change couples' sexual behavior, belief and attitudes. Other centers use graphic sex films to recondition the sexual behavior of sex offenders. However these are as carefully selected and prescribed as a physician would in writing a prescription for a particular drug to treat a specific illness or infection. No responsible doctor would ever send a patient to a pharmacy and say, "Take anything or everything available." And no responsible sex therapist would ever say to a patient who had a specific focused sexual problem, "Go down to the adult bookstore and help yourself to whatever you want."

You cannot logically argue that the kind of change which goes on in a sex counseling clinic can go only one way (just make people healthy). It can go the other way too. Some of it can harm people by suggesting through modeling and imitative learning--inappropriate, unhealthy, or even illegal kinds of sexual activity--which some suggestible viewers may later act out. We have a great deal of information gained from treating sex offenders suggesting that pornography is often used as a facilitator in acquiring a deviation. (See: The Sexual Addiction, by Patrick Carnes, Compcare Publications, Minneapolis, 1984).

WHY SEX EDUCATION IN THE SCHOOLS?

Or consider also the spread of sex education instruction throughout schools in the U.S. The assumption is that you can change attitudes and behavior about sex through some form of teaching and instruction. If you assume that this is so then you have to admit to the possibility that films, magazines and books which model rape and the dehumanization of females in sexual scenes are another powerful form of sex education. And thus educate too. Anyone who has seen much pornography knows that most of it is made by men for male consumption, is extremely sexist, gives a great deal of misinformation about human sexuality--especially about female sexual nature and response and that most of it is devoid of love, relationship, responsibility, mentions nothing about the risks of sexually transmitted diseases, and for the most part dehumanizes both males and females. It in a sense does dirt on sex. It falsely represents it. And much of it is very hostile to the female participants who are often denigrated and humiliated.

WHY SOME CLAIM "NO EFFECTS"

Many of the educated commentators or even "experts" that I know who suggest that pornography has no effects--really don't believe what they are saying or they will reluctantly admit to the possibility of harm from just "violent pornography." In many cases they are pretending "not to know" because of their concern about censorship, and loss of First Amendment rights. Thus for some of them the issue is really political. It also has to do with their personal values--and much less with what the objective truth is. They fear the tyranny of a moralist

minority who might take away their rights to view pornography, maybe, free speech and expression.

PORNOGRAPHY EFFECTS: DATA FROM CLINICAL CASE STUDIES

There are a variety of evidences suggesting risk and the possibility of harm from being immersed in repeated exposure to pornography. These data come from: (a) empirical laboratory type studies, (b) field studies, and (c) clinical case history data from the offices of clergy and clinics of professional healthcare personnel treating individuals with sexual dysfunctions.

I am a clinical psychologist. I have treated over many years approximately 240 sex offenders or individuals (95% male) with sexual illnesses. These include rapists, child molesters, exhibitionists, voyeurs, sado-masochists, fetishists, plus other kinds of compulsive sexual acting out. With very few exceptions pornography has been a contributor in the acquisition of their deviation. However regardless of what the specific nature of their deviation was I found a near universal four factor syndrome common to nearly all of my clients with almost no exceptions.

The first thing that happened was an addiction effect. They got hooked. Once involved in obscene materials they kept coming back for more and still more. The material seemed to provide a very powerful sexual stimulant or aphrodisiac effect followed by sexual release most often through masturbation. The pornography provided very exciting and powerful fantasies which they frequently recalled to mind and elaborated on in their fantasies. One of my patients, even for a thousand dollars, could not stay away from pornography for 90 days--he was so deeply addicted. And in his case he desperately wanted to get out of his dependency on this material because of its negative effect on his marriage.

Secondly there was an escalation effect. With the passage of time they required more explicit, rougher, more deviant and "kinky" kinds of sexual material to get their "highs" and "sexual turn ons." It was reminiscent of those individuals afflicted with drug addictions. In time there is nearly always an increasing need for more of the stimulant to get the same effect as one got initially. If their wives or girl friends were involved with them they pushed their partners, over time, into doing increasingly bizarre and deviant sexual activities. In many cases this resulted in a rupture in the relationship when the woman refused to go further--often leading to much conflict, separation or divorce.

Being married or being in relationship with a willing sexual partner didn't solve their problem. Their addiction and escalation was mainly to the powerful sexual imagery in their minds. They often preferred this accompanied by masturbation--to sexual intercourse itself. This nearly always diminished their capacity to love and express affection to their partner. The fantasy was all-powerful...much to the chagrin and disappointment of their partner. Their sex drive had been diverted to a degree away from a their spouse. And the spouse could tell and often felt very lonely and rejected.

The third thing that happened was desensitization. With material (in

books, magazines, or film/videos) that were originally perceived as shocking, taboo breaking, repulsive or immoral--though still sexually arousing--in time came to be seen as acceptable and commonplace. The sexual activity they witnessed (no matter how gross or deviant) in time became legitimized. There was increasingly a sense that "everybody does it" and this gave them permission to also do it--even though, possibly, illegal and contrary to their previous moral beliefs and standards.

The fourth thing that occurred was an increasing tendency to ACT OUT SEXUALLY the behaviors viewed in the pornography they had been repeatedly exposed to--including compulsive promiscuity, exhibitionism, group sex, voyeurism, frequenting message parlors (when this had not been their pattern before), having sex with minor children, rape, inflicting pain on themselves or partner during sex, etc. This behavior quickly grew into a sexual addiction which they found themselves hooked on and unable to change or reverse--no matter what the consequences in their life.

IF PORNOGRAPHY IS IN THE HOME CHILDREN FIND IT

I also found a spill-over effect where pornography used by adults very frequently gets into the hands of children living in the home or neighborhood where adults are using it.

Example: A mother brought to my office her pregnant 13 year old daughter. The girl and her 14 year old boyfriend had discovered the father's secret cache of pornography and proceeded to engage in a variety of sexual acts stimulated by and in direct imitation of these materials which they reviewed and used over many months.

Example: From my private practice. Two brothers 9 and 10 stumbled across their parents X-rated video tapes and secretly played them for many months while their dad and mom were at work. They later forced two younger children in the home and a neighbor boy to view them, stripped them naked forced dirt, sticks and small rocks into their rectums, forced them to engage in oral sex, did anal sex on them and threatened to shoot them with a BB gun if they told. This abuse continued for several years before finally being discovered when the younger abused children reported it..

Example: Reported to the U.S. Attorney General's Pornography Commission, page 785 of their Final Report: "My daughters also had an experience with an eleven year old neighbor boy.... porno pictures what he had were shown to the girls and to the other children on the block. Later that day, he invited my daughters into his house to play video games, but then tried to imitate the sex acts in the photos with my eleven year old daughter as his partner; my other daughter witnessed the incident."

Example: A mothers testimony to the 1986 U.S. Attorney General's Commission on Pornography, p. 797 of that Final Report. "My son was murdered on August 6, 1981, by the greed and avarice of the publishers of Hustler magazine. My son read the article "Orgasm of Death," set up the sexual experiment depicted therein, followed the explicit instructions of the article, and ended up dead. He would still be alive today were he not enticed and incited into this action by Hustler magazine's "How to do" August 1981 article, an article which was found at his feet and which

directly caused his death."

EARLIER EMPIRICAL STUDIES ON PORNO EFFECTS

If we look at field and empirical studies on pornography's effects we might cite evidence going back to the 1970 Presidential Commission on Obscenity and Pornography Report whose technical reports I carefully reviewed and later wrote a book about (e.g. Where Do You Draw the Line).

In a sophisticated commission financed study of seven different populations of subjects comprising 365 people Drs. Davis and Braucht (reported in Vol VII, of the Commission's Technical Reports, US Govt. Printing Office, 1971) assessed the relationship between exposure to pornography and moral character, deviance in the home and neighborhood, and sex behavior. In their study, impressive in its rigorous methodology and statistical treatment they concluded that "One finds exposure to pornography is the strongest predictor of sexual deviance among the early age of exposure subjects." They also found that there was a "positive relationship between sexual deviance and exposure to pornography at all ages of exposure levels: In the early age of exposure (to pornography) subgroup, the amount of exposure was significantly correlated with a willingness to engage in group sexual relations, frequency of homosexual intercourse, and 'serious' sexual deviance; and there were trends for the number of both high school heterosexual partners and total homosexual partners to be positively related to (pornographic) exposure.

Correlation alone never demonstrates a causal relationship--however, it does permit a reasonable hypothesis. Because the researchers had partialled out the contribution of other key variables in this study, the possibility of causation (of harm via pornography exposure) was highly suggested.

NATIONAL POLL OF MENTAL HEALTH WORKERS

In a national poll of mental health professionals by Drs. M. Lipkin and D.E. Carns cited (1970, Winter) in the University of Chicago Division of Biological Sciences and the Pritzker School of Medicine reports--254 psychotherapists reported in their clinical practices cases in which pornography was found to be an instigator or contributor to a sex crime, personality disturbance or antisocial act; and another 324 professionals suspected such relationships in cases with which they had worked. And while many other professionals had not found such relationships in their private practice experience this data cannot be dismissed as irrelevant or not suggestive of the potential for negative consequences as a result of exposure to pornography.

CONDITIONING INTO DEVIANCY WITH PORNOGRAPHY: THE RACHMAN STUDIES

Other powerful cause-effect data come from the conditioning laboratories of investigators such as Dr. Stanley Rachman (see, "Experimentally induced 'sexual fetishism': A replication and development." Psychological Record, 18:25, 1968) who demonstrated that, with the use of highly erotic pictures, sexual deviations could be created in individuals. He was actually able to condition (repeatedly) 100% of

his male subjects into sex deviancy. Additionally, the work of McGuire (see, "Sexual deviations as Conditioned Behavior: A Hypothesis," Behavior Research Therapy, 2:185, 1965) suggests that exposure to special sexual experiences (which could include witnessing pornography) then masturbating to the fantasy of this exposure can sometimes later lead to participation in deviant sexual acts. The massive literature on therapy for sex deviates suggest that their sexual orientation can frequently be changed (reconditioned) with the use of explicit sex films as a therapeutic tool. If these data are valid then one must also allow for the possibility that deliberate or accidental exposure to either pornography or deviant real life sex experiences can facilitate the conditioning of the individual into sexual aberrations.

ALL SEX DEVIATIONS ARE LEARNED BEHAVIOR

The best evidence to date suggests that all sexual deviations are learned. None are inherited. As McGuire explains it, as a man repeatedly masturbates to a vivid sexual fantasy (introduced by porn or maybe a real life experience) as his exclusive outlet, the pleasurable experiences endow the deviant fantasy (rape, molesting children, injuring one's partner while having sex, etc) with increasing erotic value. The orgasm experienced then provides the critical reinforcing event for the conditioning of the fantasy preceding or accompanying the act.

Other related studies by Evans ("Masturbatory fantasy & sexual deviation" in Behavioral Research & Therapy, 1968, 6:17) and Jackson ("A case of voyeurism treated by counter conditioning" in Behavior Research & Therapy, 1969, 7:133) support this thesis. They find that deviant masturbatory fantasy very significantly affected the habit strength of the subject's sexual deviation. McGuire indicates that any type of sexual deviation can be acquired in this way, that it may include several unrelated deviations in one individual and cannot be eliminated even by massive feelings of guilt. His paper cites many case histories to illustrate this type of conditioning.

MCGAUGH'S RESEARCH ON MEMORY

The work of psychologist James L. McGaugh at the University of California, Irvine needs mention here (see: "Preserving the presence of the past" in Feb 1983, American Psychologist, p. 161). His findings (ever simplifying somewhat) suggest that memories of experiences which occurred at times of emotional arousal (including sexual arousal) get locked into the brain by the chemical epineprine and are difficult to erase. This may partly explain pornography's addicting effects. Powerful sexually arousing memories of experiences from the past keep intruding themselves back on the mind's memory screen serving to stimulate and erotically arouse the viewer. If he masturbates to these fantasies he reinforces the linkage between sexual arousal and orgasm with the particular scene repeatedly rehearsed on his memory screen.

One might quickly see the risks involved with large numbers of males being exposed to the following film. This 8 mm motion picture film marketed out of Los Angeles depicts two Girl Scouts in their green uniforms selling cookies from door to door. At one residence they are invited in by a mature, sexually aggressive adult male, who proceeds to

seduce them and subject them to a number of unusual and extremely explicit sexual acts, all shown in greatest detail. The girls are depicted as eagerly enjoying this sexual orgy. This film is what is usually termed hard-core pornography. This is the kind of pornographic stimulus/film that the male can play again and again for his sexual pleasure. SB307 etc.

If the research of Rachman, McGuire, McGaugh and hundreds of other investigators in the area of human learning has any meaning at all, it would suggest that such a film could be dangerous and could potentially condition some male viewers to having reoccurring sexual fantasies (vividly imprinted into the brain) which they might repeatedly masturbate to then later be tempted to act out as sexual advances toward female minors--especially if they were in Girl Scout uniforms.

THE RESEARCH ON AGGRESSIVE PORNOGRAPHY (PORNO-VIOLENCE)

In recent years there has been a considerable body of research on aggressive pornography--a lot of it on hard R rated films. Many are also broadcast on cable TV. The typical film shows nude females or females in sexually arousing situations being raped, tortured, etc. The results of this research suggest the possibility of conditioning male viewers into associating sexual arousal with inflicting injury, rape, humiliation, or torture on females. Where these films are available on videotapes (which most are) these can be repeatedly viewed in the privacy of one's residence and masturbated to with the associated risks of negative or antisocial conditioning noted above.

Drs. Malamuth and Donnerstein noted in their 1984 book, Pornography and Sexual Aggression, "Certain forms of pornography (aggressive) can affect aggresssive attitudes toward women and can desensitize an individual's perception of rape. These attitudes and perceptions are furthermore directly related to actual aggressive behavior against women." or "These results suggest, again, that aggressive pornography does increase aggression against women." (p. 67 and 54)) In films where the woman is depicted as saying that she enjoys being raped they found an increased male acceptance of interpersonal violence against women and it tended to increase the male's acceptance of rape myths (such as believing that women enjoy rape). These author conclude that, "There can be relatively long-term anti-social effects of movies that portray sexual violence as having positive consequences."

The literature on aggressive pornography is rather overwhelming in its consistency in suggesting a variety of harms or possibility of antisocial outcomes from exposure to this material. This is not too unexpected after 40 years of research on film and TV violence coming to essentially the same conclusion (see Rubinstein, "Television & Behavior" in American Psychologist, 1983, 38, p. 820).

THE EFFECTS OF "NON VIOLENT" PORNOGRAPHY

The issue which has caught the attention lately of some behavioral scientists doing work in this area is whether its the violence or the sex thats doing most of the "harm" when it is fused together in so called aggressive pornography or porno-violence. Or some will say, "Just eliminate the violence--the sex is OK."

If we look at non-violent pornography totally devoid of violence we might well ask what about its effects. First we might indicate several examples of non-violent pornography which most therapists as well as common citizens would not regard as healthy models of sexual behavior: (1) Child pornography, (2) Incest type porn (e.g. mother seducing son, daughter seducing father, older brother seducing younger sister, etc.), (3) Sex with animals, (4) Group sex (e.g. 3 on 1, group mate swapping, etc.), (5) Sex which humiliates and denigrates women and their sex role in man/woman relationships (but without overt violence), (6) Pornography such as that involving the eager girl scout teenagers having 2 on 1 sex with the adult male, etc. Or (7) Obscene films which present a massive amount of misinformation or gross distortion about human sexuality. All of the above while lacking violence still have the potential of having negative effects on some viewers because of their modeling unhealthy sex role behavior or giving misinformation about human sexuality.

Additionally we do have some empirical research on the effects of straight adult non-violent porn by researchers Dolf Zillman and Jennings Bryant (see "Symposium on Media Violence and Pornography" Toronto, 1984, Media Action Group, and testimony given to U.S. Attorney Generals Commission on Pornography, Sept 1985, Houston). This research suggests that when experimental subjects are exposed to repeated presentations of hard core non-violent adult pornography over a six week period they (a) develop an increased callousness toward women, tend to (b) trivialize rape as a criminal offense, to some it was no longer a crime at all, (c) developed distorted perceptions about sexuality, (d) developed an appetite for more deviant, bizarre or violent types of pornography (escalation). Normal sex no longer seemed to "do the job," (e) led to a devaluation and depreciation of the importance of monogamy and a lack of confidence in marriage as either a viable or lasting institution and (f) came to view nonmonogamous relationships as normal and natural behavior.

In a further study reported to the Commission by Dr. Bryant 600 American males and females of junior high age and above were interviewed about their "out in real life involvement with pornography." He found that 91% of the males and 82% of the females admitted having been exposed to X-rated hard core pornography. Two thirds of the males and 40% of the females reported wanting to try out some of the sexual behaviors they had witnessed. And 25% of the males and 15% of the females admitted actually doing some of the things sexually they had seen in the pornography within a few days after exposure. This powerfully suggests the modeling effect or "imitative learning" effect that even non violent pornography has on human behavior. Additionally it was found that massive (e.g. 6 weeks) exposure to pornography was able to change the attitudes and feelings of their subjects in the direction of making sexual improprieties and transgressions seem less bad, the victims of such transgressions were perceived to suffer less and be less severely wronged. In other words they had become to some degree desensitized to the breaking of sexual tabus as a result of the pornography exposure.

As Dr. Jennings Bryant comments, "If the values which permeate the content of most hardcore pornography are examined, what is found is an almost total suspension of the sorts of moral judgment that have been espoused in the value systems of most civilized cultures. Forget trust.

Forget family. Forget commitment. Forget love. Forget marriage. Here, in this world of ultimate physical hedonism, anything goes. If we take seriously the social science research literature in areas such as social learning or cultivation effects, we should expect that the heavy consumer of hardcore pornography should acquire some of these values which are so markedly different from those of our mainstream society, especially if the consumer does not have a well developed value system of his or her own." And, of course, this is just what Dr. Bryant found in his research reported above.

DR. DIANA RUSSELL'S RESEARCH

In a 1982 study by Mills College (Calif.) sociologist Diana Russell ("Rape & Marriage") she found that the depiction and dissemination of the "rape myth" (in pornography) was a significant element in reducing inhibitions to the use of violence, habituating both males and females to the idea of rape and also accepting sexual aberrance as "normal" behavior. She found that once the seeds of deviant behavior were planted in the male fantasy, the men she studied were inclined to act out their fantasies. She found that both the fantasies that were acted out, as well as the mere conceptualization of these deviant fantasies as viable behaviors, led to considerable conflict and suffering on the part of both males and females, particularly in their sexual relationships with intimate partners.

SEX OFFENDERS USE OF PORNOGRAPHY

In another study by Dr. W. Marshall (see "Report on the Use of Pornography by Sexual Offenders", Federal Dept of Justice, Ottawa, Canada, 1983) almost half of the rapists that he studied used consenting sex pornography to arouse themselves preparatory to seeking out a victim to rape.

It should be emphasized that in these few brief pages it is not possible to review any more than a few representative studies and summarize some of the trends of current as well as past research on pornography's effects. But these should still be sufficient to give the reader a sense of the field and answer for him or herself the question of pornography's potential to change behavior and attitudes in adults as well as children.

PORNOGRAPHY'S IMPACT ON PSYCHOSEXUAL DEVELOPMENT

Other kinds of data which bear on these issues which should be noted come from physicians treating heavy consumers of pornography who see syndromes of arrest of development in their psychosexual growth. An example would be psychiatrist Harold Voth on the faculty of the Karl Menninger School of Psychiatry at Topeka, Kansas who sees pornography as typically depicting perverse sex, degradation through sex, transient meaningless sex, and violent sex--all of which is a reflection of incomplete and abnormal human development. As he notes, healthy mature people do not behave in these ways.

However, he notes, there are millions of people who appear manifestly healthy, but who also harbor substantial latent sickness which are

residues of developmental arrests or abnormal development which may find expression in sexual perversions. Thus viewing pornography, most of which depicts perverse behavior, activates the developmental sexual arrests which exist in millions of people. He sees these people as developing a kind of addiction for pornography thus receiving many exposures to it over time. These pornographic stimuli, therefore, promote regressive behavior rather than more mature behavior.

He sees such exposure as especially damaging to the young who are on the threshold of entering into an active sexual life. For them these vital processes should be guided toward greater maturity, not retrogressively toward perversion or transient meaningless sex. As Dr. Voth states it, "Society and individuals alike can only be harmed when we "legitimize" abnormal behavior."

He notes how some men become dissatisfied with their wives whom they believe to be inadequate (and vice versa) after viewing the exaggerated sexual prowess as depicted by the typical pornographic movie. He suggests that society has the responsibility to protect itself from itself, that is from the elements within society which harm it. He sees pornography as appealing to sexuality at its worst and since mature sexuality is so very essential to the heterosexual bond and to family life, steps should be taken to clearly identify pornography as unhealthy with many risks associated with its consumption.

DIAL-A-PORN

With the sponsorship of the U.S. Dept of Justice I was commissioned to conduct a pilot field study on the effects of Dial-A-Porn on children. In January of 1985 I interviewed a number of children and their parents who had become involved with this type of pornography.

With Dial-A-Porn when one makes a call it is usually answered by a very sexy seductive sounding female (actually a recording) who talks directly to the caller about how bad she wants to have sex with him now. She then with panting voice tells him all of the things she wants to do to him such as oral sex, vaginal sex, anal sex, etc etc. There may be a second young woman on the line and they may talk about having sex together as well as with the caller. They may mention having a sex marathon (dozens of partners) with all of the explicit details. In some cases bondage is part of the scenario (having sex while gagged, handcuffed and leashed at the neck--suggesting that sex is better if it "hurts so well--don't stop." Sex with animals is also included as well as group sex (3,4, or 5 men on one girl), lesbianism, rape, inviting a married male to have sex with the "baby sitter," a school teacher having sex with her students, inviting the caller to urinate in the woman's face, degrading the woman as a slut and trash while having sex with her, inviting beatings, torture, and general physical abuse as part of the sexual activity.

The messages keep changing every hour or so and new phone numbers are given out in order to encourage continuing call backs.

Any youngster of any age can tap into these porno lines and get these messages from any place in the country. All they need is a phone number

to call. And these numbers are very easy to come by (on the playground of nearly every school in America). If parents put a "block" on their phone to prevent these calls--the children merely use another phone.

With every one of the children we studied we found an "addiction effect." In every case without exception the children (girls as well as boys) became hooked on this sex by phone and kept going back for more and still more. They did not cease until found out. None of them. In some cases more than 300 long distance calls were made by particular children. Disclosure usually occurred when the parents received an enormous phone bill. This alerted them that something was amiss. And only after investigation (often having to call the number which was printed on the phone bill) did the parents become aware of what their children were calling and listening to. There was always a major confrontation. The children were usually made to pay the long distance phone costs as well as given a variety of chastisements, lectures, and/or punishments.

Where both parents worked or where there was a single parent in the home working this meant that they had to leave behind "latch key children" who were not monitored or supervised for a number of hours during the day. This created a very difficult problem in controlling phone use. In the case of one one-parent family the young son still continues to make Dial-A-Porn calls and the distraught mother has found no way to get him to stop. Threats, physical abuse, nothing works.

I found that nearly all of the children had clear memories of a great deal of the content of the calls they heard. I also found that almost without exception the children felt guilty, embarrassed, and ashamed about their involvement with Dial-A-Porn. In nearly all cases there were some problems and tensions generated in the parent-child and family relationships because of their making these calls.

I have also interviewed some children where as a result of their hearing these kinds of Dial-A-Porn messages they engaged in sexual assaults on other children. One 12 year old boy in Hayward, California listened to Dial-A-Porn for nearly 2 hours between church meetings one Sunday afternoon in the church. Some time later he sexually assaulted a 4 year old girl in his mother's Day Care Center. He had never been exposed to pornography before. was sexually chaste, and not a behavior problem in the home. He had never heard or knew of oral sex before listening to Dial-A-Porn. And this was how he assaulted the girl, forcing oral sex on her in direct imitation of what he had heard on the phone. I later interviewed a number of children in Michigan where similar sexual assaults occurred, males in their early teens "raping" younger females as a result of listening to Dial-A-Porn. All of these children might be considered victims.

CLINICAL CASE STUDIES

Another kind of evidence on negative effects comes from the private practice of psychotherapists, counselors, and ministers. Here we come up face to face with real people who are in some kind of deep trouble or pain. These are not dull statistics involving means and standard deviations or correlation coefficients. I'll cite several as examples.

The 46 year old deputy mayor of one of America's largest cities one afternoon a few years ago attended a porn-theatre. While watching the sex film he became so turned on that he started to sexually assault or molest a patron sitting next to him. The individual turned out to be an undercover city vice-squad officer. The deputy mayor was arrested, booked and found guilty in a subsequent trial. This distinguished public servant left office shamed and humiliated--his career in shambles.

A 36 year old married male, college educated, a professional man, very successful financially, had an addiction to pornography, masturbation, and frequenting massage parlor where he had paid sex. He had an excellent marriage, four children and was very active in his church where he assumed important positions of responsibility. While he felt guilty about his engagement in illicit sex which was contrary to the teachings of his church and had the potential of seriously disturbing his marriage if found out--he frequently and compulsively continued to do that which at a rational level he did not want to do. His problem came to light when he infected his wife with a venereal disease. This created many serious and disturbing consequences in his life.

A 30 year old single male, religiously active and very committed to his faith had a history of pornography addiction. He was too shy and backward to ask adult females on dates. But he developed relationships with his 4 and 7 year old nieces and their girlfriends which culminated in his repeatedly sexually molesting them. The modeling of explicit sexual activity in the pornography which he consumed helped fuel his sexual interest in these children. Because of his guilt over what he was doing (he eventually sought professional help. However his state had a "disclosure law" which required that he be reported to state officials for his history of sexually abusing children. Because of his cooperative attitude and the fact that he sought treatment on his own he was placed on probation, received long term psychotherapy and is now living a normal life.

While this kind of evidence is unlike the neat empirical laboratory study involving mainly college students it still is highly valid, relevant, and throws additional light on the question of harm.

THE MICHIGAN STATE POLICE STUDY

Still another type of evidence comes from a study conducted by Darrell Pope with the Michigan State Police who found that of 38,000 cases of sexual assault on file in Michigan, 41% involved pornography just prior to the act or during the act. (see Paducah Sun-Democrat, "New weapon against obscenity" 3 June 1983).

THE GARY BISHOP CASE

An example of the above comes from Gary Bishop, convicted homosexual pedophile who murdered five young boys in Salt Lake City, Utah in order to conceal his sexual abuse of them who wrote in a letter after his conviction, "Pornography was a determining factor in my downfall. Somehow I became sexually attracted to young boys and I would fantasize them naked. Certain bookstores offered sex education, photographic or art

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books which occasionally contained pictures of nude boys. I purchased such books and used them to enhance my masturbatory fantasies. But it wasn't enough. I desired more sexually arousing pictures so I enticed boys into letting me take pictures of them naked. From adult magazines I also located addresses of foreign companies specializing in "kiddie porn" and spent hundreds of dollars on these magazines and films. Such materials would temporarily satisfy my cravings but soon I would need pictures that were more explicit and revealing. Some of the material I received was shocking and disgusting at first, but it shortly became commonplace and acceptable. As I continued to digress further into my perverted behavior, more stimulation was necessary to maintain the same level of excitement. Finding and procuring sexually arousing materials became an obsession. For me, seeing pornography was like lighting a fuse on a stick of dynamite. I became stimulated and had to gratify my urges or explode--all boys became mere sexual objects. My conscience was desensitized and my sexual appetite entirely controlled my actions." He then goes on to tell how he sexually abused then killed his boy victims to keep them silent.

THE FEMINIST POSITION ON PORNOGRAPHY

In reviewing the evidence on the effects of pornography brief mention should be made of the feminist position. Their general view is that lots of scientific studies proving or not proving harm is irrelevant and unnecessary. Pornography on its face is abusive and denigrating especially to women. You don't have to do research to prove that. Sociologist Diana Russell states (in her privately published paper, "Pornography, A Feminist Perspective" Berkeley, 1977), "Pornography is vicious, anti-woman propaganda. It tells lies about us. It degrades women. Pornography is not made to educate but to sell, and for the most part, what sells is a bunch of lies about sex and women. Women are portrayed as enjoying being raped, spanked or beaten, tied up, mutilated, enslaved, or they accept it as their lot as women to be victims of such experiences. In the less sadistic films women are portrayed as turned on and sexually satisfied by doing anything and everything men order them to do and what this involves is for the most part totally contrary to what we know about female sexuality i.e. it is almost totally penis-oriented, often devoid of foreplay, tenderness, or caring, to say nothing of love and romance.

Susan Brownmiller sees much women hatred in pornography, suggesting in her book, Against Our Will, "Pornography, like rape, is a male invention, designed to dehumanize women, to reduce the female to an object of sexual access. The gut distaste that a majority of women feel when we look at pornography comes from the gut knowledge that we and our bodies are being stripped, exposed and contorted for the purpose of ridicule, to bolster that 'masculine esteem' which gets its kicks and sense of power from viewing females as anonymous, panting playthings, adult toys, dehumanized objects to be used, abused, broken and discarded.

The feminists may be right. Insisting on proof of harm may be really an irrelevant issue. We don't set up presidential commissions to decide whether prostitution or houses of prostitution are harmful to the public interest. Each community makes its own decision and handles that in its own way without a lot of fuss. And similarly with false advertising,

perjury, conspiracy, or whether cigarettes can be advertised on TV. These are all issues which in one way or another involve public morality and prohibitions against them have evolved out of English common law as well as common sense legislation using democratic procedures and processes.

IN CONCLUSION

At the present time even though reasonable and fair pornography control statutes exist in nearly every community in the nation as well as at the federal level, prosecution has been feeble or in most cases non-existent because of confusion over the harm issue as well as the concern by some that limiting or prohibiting pornography would lead to censorship of other materials. In my view, and I work with people daily who have major pathology because of their involvement with pornography--some limits need to be set. Laws need to be enforced or taken off the books. In a sense our "drinking water has been contaminated" and we are getting a lot of casualties--both children and adults. And very few people are doing or saying anything about it. Our people and our country are too precious for us to look the other way, ignore it, or pretend not to know what's happening.

SENATE JUDICIARY
 EXHIBIT NO. #1 *C. P. J.*
 DATE 2-9-89
 BILL NO. SB 263
Hoffman

LANDMARK U.S. SUPREME COURT DECISIONS ON OBSCENITY

CASE	DATE	BACKGROUND	CONTRIBUTION TO THE LAW ON OBSCENITY
Rosen v. United States , 161 U.S. 29, 40 L.Ed. 606	1896	Rosen was convicted for mailing an obscene, lewd, and lascivious paper in violation of federal law.	Scienter. Proper inquiry under the law was not whether the defendant knew or believed that the paper could be properly characterized as obscene, but whether it was of that character and deposited in the mail by one who knew or had notice, at the time, of its contents.
Roth v. United States , 354 U.S. 476, 1 L.Ed.2d 1498, 77 S.Ct. 1304	1957	Convictions under federal law (18 U.S.C. §1461) for unlawfully mailing obscene material, and California law prohibiting the production of obscene material.	First Amendment. Obscenity is not protected. Obscenity test. The Court rejected the English test that obscenity could be determined by the effect of isolated passages on "particularly susceptible persons," and established the "prurient appeal" test as judged by the average person applying contemporary community standards. The Court also established the "taken as a whole" requirement. Prurient. Defined as shameful, morbid, or "having a tendency to excite lustful thoughts."
Smith v. California , 1959 361 U.S. 147, 4 L.Ed.2d 205, 80 S.Ct. 215		Smith was convicted of violating a Los Angeles obscenity ordinance, which had been construed to impose "strict" criminal liability with no evidence of scienter.	Scienter. The complete absence of a scienter requirement is not constitutionally permissible, but the Court indicated that circumstantial evidence that the accused was aware of the book's contents will be sufficient proof of this element of the offense.
Manual Enterprises v. Day , 370 U.S. 478, 8 L.Ed.2d 639, 82 S.Ct. 1432	1962	Alleged violation of federal law prohibiting the mailing of obscene material. (18 U.S.C. §1461)	Patent Offensiveness Test. Establishes "patent offensiveness" as part of the obscenity test along with the "prurient appeal" test, and defines "patent offensiveness" as synonymous with "indecent" or affronting "current community standards of decency."

CASE	DATE	BACKGROUND	CONTRIBUTION TO THE LAW ON OBSCENITY
Ginzburg v. United States , 383 U.S. 463, 16 L.Ed.2d 31, 86 S.Ct. 942	1966	Conviction for mailing obscene literature in violation of federal law. (18 U.S.C. §1461)	Pandering. Evidence of the circumstances of production and distribution of the material is relevant to the test of obscenity, especially "patent offensiveness" and "serious value," and where the purveyor's sole emphasis is on the sexually provocative aspects of his publications, that fact may be decisive in the determination of obscenity.
Mishkin v. New York , 383 U.S. 502, 16 L.Ed.2d 56, 86 S.Ct. 958	1966	Conviction for violation of New York obscenity statute.	Scienter. The element of scienter is satisfied if it is shown that the accused was in "some manner aware of the character of the material" he attempted to distribute. Prurient Appeal. Court rejects the familiar defense argument that material cannot be determined "prurient" if it would disgust and sicken an average person, and holds that the material can be judged according to the prurient interest in sex of a clearly defined deviant sexual group if the material is designed for and primarily disseminated to that group.
Ginsberg v. New York , 390 U.S. 629, 20 L.Ed.2d 195, 88 S.Ct. 1274	1968	Defendant was convicted of violating a New York statute which prohibited selling material which is "harmful to minors" to children.	Variable Obscenity. The Court affirmed the statute as constitutional, ruled that the "harmful to minors" provision was not vague, and upheld the state's power to adjust the test of legal obscenity according to the audience of the material thereby permitting the material to be judged in terms of the sexual interests of minors and not according to adult community standards.
Lee Art Theatre v. Virginia , 392 U.S. 636, 20 L.Ed.2d 1313, 88 S.Ct. 2103	1968	Conviction for violation of state obscenity law.	Search and Seizure. It is improper for a search warrant to be issued on the conclusory observation of the police office where the magistrate does not inquire into the factual basis for the officer's conclusions and thereby "focus searchingly on the question of obscenity."
Stanley v. Georgia , 394 U.S. 557, 22 L.Ed.2d 542, 89 S.Ct. 1243	1969	Conviction for possession of obscene matter.	Private Possession. The mere private possession of obscene matter cannot constitutionally be made a crime.

CASE	DATE	BACKGROUND	CONTRIBUTION TO THE LAW ON OBSCENITY
Roaden v. Kentucky 413 U.S. 496, 37 L.Ed.2d 757, 93 S.Ct. 2796	1973	Arrest and seizure of film without a search warrant having been obtained.	Search and Seizure. The seizure of a motion picture film on the grounds that it violates the obscenity statute is unreasonable if not seized under the authority of a constitutionally sufficient warrant.
Miller v. California 413 U.S. 15, 37 L.Ed.2d 419, 93 S.Ct. 2607	1973	Conviction for distribution of obscene matter in violation of California law.	First Amendment. Obscene material is not protected by the First Amendment. Obscenity Test. Court outlines a three-part test for determining obscenity which has been adopted under most state statutes and all federal laws. Community Standards. The three-part is to be applied in accordance with contemporary local community standards — not national standards. Standards of the state of California were used and approved by the Court.
Paris Adult Theatre I v. Slaton 413 U.S. 49, 37 L.Ed.2d 446, 93 S.Ct. 2628	1973	Civil action to enjoin the exhibition of two obscene films. The complaints were dismissed in the trial court on the grounds that the films were exhibited to consenting adult only.	Civil Actions. Court approved the use of a civil common law action to enjoin the exhibition of obscene matter. Expert Testimony. The materials are sufficient in themselves for determining the question of obscenity. Consenting Adults. Obscene material does not acquire immunity from state regulation because it is exhibited for consenting adults only. There are numerous state interests supporting obscenity legislation other than the interest of protecting children.
Kaplan v. California 413 U.S. 115, 37 L.Ed.2d 492, 93 S.Ct. 2680	1973	Conviction for violation of state obscenity statute.	Written Material. A book can be constitutionally obscene even though it contains no pictures.
United States v. 12 200-Ft. Reels 413 U.S. 123, 37 L.Ed.2d 500, 93 S.Ct. 2665	1973	Federal action under 19 U.S.C. §1305(a), which prohibits the importation of obscene articles.	Right of Privacy. The holding in Stanley v. Georgia is limited to private possession in the home, and does not prevent the control of obscene material in intrastate, interstate, or foreign commerce — there is no right to sell or give the material to others, and the material cannot be imported into this country even if it is for private use only and not for re-distribution.

CASE	DATE	BACKGROUND	CONTRIBUTION TO THE LAW ON OBSCENITY
United States v. Orito , 413 U.S. 139, 37 L.Ed.2d 513, 93 S.Ct. 2674	1973	Violation of federal law (18 U.S.C. §1462) prohibiting the transporting of obscene material by means of a common carrier.	Right of Privacy. Court further limits the decision in Stanley v. Georgia by holding that the right to possess obscene material in the privacy of the home does not create a correlative right to receive it, transport it, or distribute it.
Heller v. New York , 1973 413 U.S. 483, 37 L.Ed.2d 745, 93 S.Ct. 2789	1973	Conviction for violation of state obscenity law.	Search and Seizure. There is no constitutional right to an adversary hearing prior to seizure of allegedly obscene material where the material is seized pursuant to a warrant for preservation as evidence in a criminal prosecution.
Hamling v. United States , 418 U.S. 87, 41 L.Ed.2d 590, 94 S.Ct. 2887	1973	Violation of federal law prohibiting the mailing of obscene materials. (18 U.S.C. §1461)	Community Standards. The decision in Miller v. California did not require that a "statewide" standard be used in determining community standards — a smaller geographical area could be used, and the only constitutional requirement is that the material be judged by a juror not according to his own standards but according to the standards of the "community or vicinage from which he comes." Scienter. It is constitutionally sufficient that the prosecution show that a defendant had knowledge of the contents of the materials he distributed, and that he knew the character and nature of the materials. Comparable Material. The mere availability of similar materials on the newsstands of the community does not automatically make them admissible as tending to prove the nonobscenity of the materials at issue in the trial.
Jenkins v. Georgia , 1974 418 U.S. 153, 41 L.Ed.2d 642, 94 S.Ct. 2750	1974	Conviction for violation of state obscenity law based upon showing of motion picture "Carnal Knowledge."	Community Standards. It is permissible to instruct jurors to apply "community standards" without specifying what "community." Appellate Review. Independent appellate review of constitutional claims is not precluded by a finding of obscenity in the trial court, even though the questions of what appeals to the "prurient interest" and what is "patently offensive" are essentially questions of fact.

CASE	DATE	BACKGROUND	CONTRIBUTION TO THE LAW ON OBSCENITY
Smith v. United States , 431 U.S. 291, 52 L.Ed.2d 324, 97 S.Ct. 1756	1977	Conviction for violation of federal law prohibiting the mailing of obscene material. (18 U.S.C. §1461)	Community Standards. Court approves a jury instruction which stated that "community standards" are set by what is in fact "accepted" in the community as a whole. Community standards cannot be legislated — this is a question of fact and jurors are entitled to draw on their own knowledge in determining community standards — but the size of the "community" and jury instructions can be legislated.
Splawn v. California , 431 U.S. 595, 52 L.Ed.2d 606, 97 S.Ct. 1987	1977	Conviction of violating state obscenity law.	Pandering. Evidence of pandering to prurient interests in the creation, promotion, or dissemination of material is relevant to determining whether the material is obscene.
Ward v. Illinois , 431 U.S. 767, 52 L.Ed.2d 738, 97 S.Ct. 2085	1977	Conviction of violating state obscenity law.	Patently Offensive Depictions of Sexual Conduct. Sado-masochistic sexual materials may be proscribed, even though this type of sexual conduct was not expressly included in the Miller v. California case in the examples of sexually explicit representations that can be prohibited. The kinds of conduct listed in Miller to be utilized in determining patent offensiveness were only examples and were not intended to be exhaustive.
Pinkus v. United States , 436 U.S. 293, 56 L.Ed.2d 293, 98 S.Ct. 1808	1978	Conviction for mailing obscene materials in violation of federal law. (18 U.S.C. §1461)	Community Standards. In determining obscenity, children are not to be included as part of the "community." The "community" does include all adults who constitute it, including the most sensitive or susceptible members.
F.C.C. v. Pacifica , 438 U.S. 726, 57 L.Ed.2d 1073, 98 S.Ct. 3026	1978	F.C.C. determination that federal law had been violated by the broadcast of indecent language by a radio station (18 U.S.C. §1464)	Regulation of Indecent Material. Because of the pervasiveness of the broadcast media, the F.C.C. has the power to regulate a radio broadcast that is indecent, but not obscene. The Court defines "indecent" as "nonconformance with accepted standards of morality." First Amendment. Context is important in determining constitutional protection, and each medium of expression presents special First Amendment problems. Of all forms of communication, broadcasting has received the most limited constitutional protection.

CASE	DATE	BACKGROUND	CONTRIBUTION TO THE LAW ON OBSCENITY
Cooper v. Mitchell Brothers, 454 U.S. 90, 70 L.Ed.2d 262, 102 S.Ct. 172	1981	Public nuisance abatement action against a motion picture theatre.	Burden of Proof. The Constitution does not require use of the "beyond a reasonable doubt" standard of proof in a civil nuisance abatement proceeding even though the obscenity of motion pictures is at issue.
New York v. Ferber, 458 U.S. 747, 73 L.Ed.2d 1113, 102 S.Ct. 3348	1982	Conviction of violation of state law prohibiting the distribution of material depicting sexual performances by children.	Child Pornography. States are entitled to greater leeway in the regulation of pornographic depictions of children, and it is not necessary that the materials be determined legally obscene before they can be prohibited.
Brockett v. Spokane Arcades, Inc. 472 U.S. 491, 86 L.Ed.2d 394, 105 S.Ct. 2794	1985	Declaratory and injunctive relief sought against state moral nuisance statute that had yet to be enforced.	Prurience. Invalidation of state statute improper; unhealthy lust and lascivious interests can be prurient.
New York v. P.J. Video, Inc., 475 U.S. 868, 89 L.Ed.2d 871, 106 S.Ct. 1610	1986	Alleged violation of state obscenity law — search warrant test.	Warrants. Probable cause for search warrant need not require a higher standard for allegedly obscene material.
Arcara v. Cloud Books, Inc., 478 U.S. 697, 92 L.Ed.2d 568, 106 S.Ct. 3172	1986	Interlocutory appeal on issue of closure in a civil action filed against bookstore alleged to present public health nuisance.	Padlocking. Closure of adult bookstores found to be used for prostitution not prior restraint.
Pope v. Illinois, 481 U.S. _____, 95 L.Ed.2d 439, 107 S.Ct. 1918	1987	Conviction for violation of state law prohibiting obscenity distribution.	Value Test. Community standards of acceptance used to find prurience and patent offensiveness; reasonable person used to find lack of serious value.

etc

Exhibit # 2
Date 2/9/89
SB 263, 307, 342

This exhibit is three video tapes of an interview between Ted Bundy and Dr. James Dobson dated January 24, 1989. The tapes will be housed at the Legislative Council Library until June 30, 1991.

MARK H. MOZER, Ph.D.
Clinical Psychologist
Suite 4-6
Arcade Building
Helena, MT 59601
(406) 442-0333

February 6, 1989

I am a psychologist in private practice in Helena, and I have consulted at the state prison for eleven years now. I am writing in support of anti-pornography legislation currently under consideration.

No one, of course, knows in any strict scientific sense, whether pornography is cause or effect of molesting or other sexual offenses. Most likely it is both cause and effect. I've talked to hundreds of sex offenders in my consulting work at the prison, and the use of pornography, particularly as a child, is often a part of the developing deviancy. There is no question in my mind that pornography plays a significant contributory role in some sex offenses.

The defenders of various forms of pornography are fond of pointing out that scientific evidence in this area is nevertheless inconclusive. Science will never adequately settle this matter, because one would need to run an experiment, in which we'd compare the sexual development of two groups of children, one of which were given free access to pornography, and one from which it was withheld. Now the rules of science are such that we would actually have to volunteer kids for such a study in order to obtain the proper controls; one couldn't simply try to assess the effects of pornography on kids who had accidentally come across the stuff. Rather, we'd have to deliberately give it to one of the groups, and withhold it from the other.

I can't imagine that even the most ardent opponent to anti-pornography legislation would consider volunteering their kid for such an experiment. Doesn't that tell us something about our intuitive grasp of the potential harm of pornographic material?

Clearly the problem of sexual offenses is a complex one, stemming from a multiplicity of causes. I can't imagine that the proposed legislation will get us very far in dealing with a runaway problem of molesting and other sexual offenses; a lot more needs to be done. But I'm supporting it because I think that decent folks need to start taking a stand against the advance of sexual trashiness.

I saw an interesting piece of irony at the prison the other day, which underscores the ludicrous lengths to which we've bent over backwards to the advance of smut. An inmate, a convicted child molester, received a stack of mail-order sadistic child pornography pocket books (fiction, not pictorial). A sample title: No, Daddy, No! The cover of that particular book was a cartoon drawing of a naked pre-pubescent girl, bent over with her butt up in the air, and a man with a nasty grin dripping hot candle wax onto her bottom.

The prison administration wouldn't let him have the books. He is proceeding to sue the prison over denying him access to this filth, and the law requires the state to provide him with a free lawyer for his lawsuit. Now, who is sick here? There is something terribly wrong with a society that feels a need to be impeccably kind and fair toward the most vile of evils. We ought to be ashamed that we've allowed evil to turn our own sense of fairness against us.

I only wish this committee could see some of the sexually predatory people over at Deer Lodge, awaiting release made inevitable by society's refusal to deal with this problem with strength and conviction. There are a lot of hard choices facing us before the tide will be turned on sexual offenses. I think one of the easier choices will be to take a stand against pornographic material. I urge the committee's support of the anti-pornography measures facing us today.



MARK H. MOZER, Ph.D.
Clinical Psychologist

SENATE JUDICIARY
EXHIBIT NO. #4
DATE 2/10/89
SB 307, 342,
263

Distinguished Members of the Legislative
Subcommittee on Pornography,

My name is Jon Berg. I am
married and am a father of 4 children. I
am a native Montanan, a graduate of
the Univ. of Montana and am currently
employed as the Correctional treatment
Supervisor at Mont. State Prison.

I speak to you today as a concerned
parent, a Christian, and a state employee.

I am alarmed by the availability
and the impact of pornography in our
society today.

To quote the Reverend Marie
Fortune,

"Whether our motivation is religious
or philosophical, political or practical,
our common interest brings us face to
face with the reality of widespread
sexual assault and abusive images. The
common good is not well served by
the collective denial of these facts. We
are rather better served by a willingness
to engage the complexity of pornography and
its relation to sexual assault as a
matter of public responsibility. To do
less denies women and children their
fundamental right to freedom from

SENATE JUDICIARY

EXHIBIT NO.

FEBRUARY/6/89

DATE

BILL NO.

TO WHOM IT MAY CONCERN:

My name is Martin and I am serving a sentence for sexual intercourse without consent, kidnapping and assault in the Montana State Prison, at Deer Lodge.

I was asked if I had anything I wanted to say to you, So I volunteered to write this letter in the hope that pornography can be stopped. If just one victim can be helped by this it will be worth it to me.

To start with I have been using pornography in one form or another for over 20yrs. Over the years it has progressively become more of an addiction to me. I started by reading Police Gazette and other magazines of this nature because of the pictures on the covers. I then went to Playboy and Penthouse because of the stories and pictures. The older I got the more hard core my readings became. I then started to go to strip joints and adult book stores. My quest for the bizarre and erotic became an obsession with me until I ended up here.

For a lot of years I felt it was my constitutional right to read anything I wanted to. I would have fought to the death my right to read it. After coming to prison and getting into the Sex Offender Program here I am now able to see just what pornography has done to me and what it has caused me to do to others. I am not saying that pornography caused me to rape that girl because it didn't. I did that of my own choice, but I am saying that pornography is in the top three reasons for me giving myself permission to do so.

I have had a 100% change in my way of thinking about pornography it is bad, very bad because it gives the reader the idea that it's all right to treat women that way because they enjoy it. Just look at the smiles on the women's faces, read what they are supposed to be saying. Well I say B.S. that is what the makers of pornography want you to think so that they can continue to victimize women and the men who buy it!

Pornography is bad for every one who comes in contact with it right from the women who pose for it up to the Joe on the street who buys it. It gives an offender like me the permission giving statements to do what he does and thinks to himself, "Well look at all of these women who like it in the books, magazines and movies this is what they want so I will give it to them".

I truly believe that if pornography were stopped, the numbers of rapes and assaults of women and children would go down by at least 25% or more, It will not stop it but it sure would start to put the brakes on the large numbers of sexual offenses that are happening in this country today. As I said at the first of this letter if it will help to stop one person from becoming a victim it will all be worthwhile.

SINCERELY YOURS

P.S.

IF I MAY BE OF FURTHER ASSISTANCE, PLEASE LET ME KNOW.



MARTIN SANDERS

AO#26136

700 CONLEY LAKE RD.

DEER LODGE, MONTAN

5972

BIT
 #4
 2/10/89
 SB 307 etc
 P52

fear, harassment, and assault, and further condemns our society to sexual ignorance and distortion."

I believe it is my duty, it is your duty, and the state's responsibility to respond to the invasion of pornography and its devastating effects on our society.

Not all who drink and drive kill and maim. However we as a society and a state are making stiffer laws and penalties for drinking and driving. I applaud the current legislative effort and course of action.

If you acquaint yourselves with the Final Report of the Attorney General's Commission on Pornography I believe you will take a similar course of action.

I work at Montana State Prison where I see the by-product of pornography. Inmates cover their walls with pornography, the inmate canteen (store) sells several pornographic magazines which incite and encourage rape and incestual activities. Their satellite brings in similar types of programs. This certainly counters any rehabilitative efforts.

in their crimes.

SENATE JUDICIARY

EXHIBIT NO.

#4 pg 4

DATE 2/10/89

BILL NO. SB307, etc.

(4), p. 34

I believe that as the state takes steps to impact the availability of pornography and educate its citizens of its dangers, then we will see a safer society.

Thank you for your time
Sincerely submitted,

Jon D. Berg
605 W. Missouri Ave.
Deer Lodge, Mt. 59722

Currently an inmate is trying to bring in books with the following titles:

1. In Bondage Schoolgirl
2. School girl in Chains
3. Captain's Family in Chains
4. Leather Bound Niece
5. S & M Schoolgirl
6. Bound, Whipped and Raped Schoolgirls
7. Step Daughter Slave
8. O.K. Dad, No Dad

SENATE JOURNAL

EXHIBIT NO. 14

DATE 2-10-89

FILE NO. SB 307 etc

He is threatening to sue the state for not allowing him access to these books. - Our tax dollars will pay for the lawsuit.

Therapists of the Intensive Treatment Unit for Sexual Offenders provided me with names of inmates in the program who would be interested in writing a letter to you to inform you of the impact of pornography on their lives. I requested letters of three ... (they are attached)

The Attorney General's Commission has two studies in which over half of reports say they were "incited to commit an offense" by pornography and forty-two percent of child molesters "implicated pornography."

SENATE JUDICIARY
EXHIBIT NO. # 4, p. 6
DATE 2/19/89
BILL NO. 263-307-242

February 6, 1989

To The Legislative Committee on Pornography:

I am 36 years old and am currently incarcerated at Montana State Prison for felony incest. Pornography has been a part of my life since the age of 15. In fact there came a time when pornography became the most important thing in my life.

I started out by looking at magazines and eventually switched to viewing pornographic movies. I lived a life thinking that my masturbating while watching a pornographic movie was the answer to all my problems. I became so addicted to these movies I used to drive 200 miles on a weekend, from my home in Wyoming to Billings, Montana, to fulfill my craving. My family life with my wife and children took a back seat position to my pornographic addiction. From mid week on, I would start to plan and anticipate my weekend fix. And I would not allow anything or anybody to interfere with my plans.

I am currently participating in the Sex Offenders Intensive Treatment Unit here at Montana State Prison. Since being in the ITU I have become aware of how and why I chose to sexualize my life. To combat my own inadequacies towards myself, I chose to watch pornographic movies, visualizing myself as a male porno star. This was my way of getting back at all the women who I thought had control over me, and had the power to make me feel bad about myself.

As I look back at my life I can see where pornography did have a negative effect on my life. Now I realize that for me to watch or look at pornography, is one of my warning signs that I am starting

to fall back into my abusive cycle, seeing women as sexual objects, there for my pleasure.

Sincerely,
Tom Sage

FEB. 6, 1989

BILL NO. SB 307, 263, 242

TO: THE LEGISLATIVE COMMITTEE OF PORNOGRAPHY

I believe pornography has had an impact on my life and my sexual behavior. It separated me from true feelings and emotions and reality. It led me to view women as sexual objects which produced fantasies that would continue to grow into more and more fantasies. Through my years I've felt inadequate, inferior, and feared rejection which made it difficult to relate to many women, so I turned to pornography to release my tension and stress. Pornography grew stronger and stronger as time went on until I became addicted and at times out of control to its power and control over me. I was avoiding reality and turning to images to satisfy my sexual urges and masturbating knowing I wouldn't be rejected, hurt, or feel inadequate. It only satisfied me temporarily and then I'd feel shame, anxiety, loneliness + desperation which would trigger more fantasies and pornography. I tried keeping my addiction a secret and would hide it and sneak it, learning to rush my orgasm or ejaculation, which only made me feel inadequate with women when I preejaculated. I believe it was a factor in my relationships with women. When I felt I couldn't relate to women; or my wife, when I was married, I knew I could substitute with pornography. I believe pornography was a factor in the breakup of my family and divorce 'cause it caused a lack of communication and understanding with my wife so I substituted with pornography, and then also fantasizing of children. My fantasies would keep progressing to more inappropriate ones starting with exposing

and eventually progressing to molesting children. I did have some pocket books of men molesting children in story forms and ^{not} pictorial, so I'm sure these books are pornographic material even though they weren't of a visual form. I believe the books fueled my fantasies to children which I eventually acted out by exposing and then molesting them. I even showed pornography to children to get them curious and stimulate them in hopes of molesting them. I am very sorry for what I did to hurt and affect my victims because they were beautiful, innocent children and I caused them hurt and pain and confused them emotionally. It was a terrible, sick act on my part and I'm doing all I can to change my behavior. I'm in the intensive treatment program and have only praise for it because it's an excellent program and has been a great deal of help to me and has given me the tools and learning to know myself and to control my deviant behavior, as well as other inappropriate behaviors. This program has put me in touch with ^{my} feelings and emotions and I now feel more self esteem, confidence, control, adequate, and more human than I ever have. I can communicate better and trust people more.

I'm writing this letter because I know how pornography has messed up my life and how it also played a factor in my molesting children and how I hurt them so much emotionally and psychologically. I also want to help prevent innocent children from having to go through the fear and hurt of sexual abuse. I also know how I and other children have access of pornography and want to see pornography stopped, and I'm definitely against it in all ways.

Sincerely,
Norb Frigge

SENATE JUDICIARY
EXHIBIT NO. 5, p.1
DATE 2-9-89
BILL NO. SB 307 etc

MICHAEL J. SCOLATTI, Ph.D.

COMMUNITY PHYSICIAN CENTER 2
2831 FORT MISSOULA ROAD, SUITE 305
MISSOULA, MT 59801

Telephone 728-4100, Ext. 5445

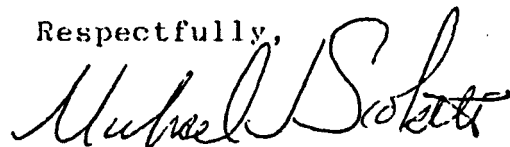
To Whom It May Concern:

I am writing this letter in support of the recent anti-pornography legislation that is being introduced in the 1989 session. I am a licensed clinical psychologist in Missoula, approximately 90 percent of my practice is devoted to the assessment and treatment of sexual offenders and sexual abuse victims. I have been working in this field for the past eight years, and have evaluated and/or treated approximately 300 sexual offenders.

I want to offer some of my clinical observations as to the role pornography has played in contributing to sexually abusive behavior. It has been my experience that soft and hardcore pornography has served as a catalyst, or fuel for the deviant fantasies of sexual offenders. Even the softcore publications have impacted some perpetrators to a significant degree. I have treated a rapist-murderer whose "sexual education" began at 14 when his mother bought him a subscription to a "softcore" magazine. Even though the pictures were not violent or graphic, this offender used the pictures in his fantasies in which he constructed images of sexual domination and violence. At age 16 this man committed his first rape, at age 22 he murdered his mother. This story is not meant to infer that such exposure to pornography will create a rapist or sexual murderer out of an otherwise normal adolescent. There is no one cause for child molesting, rape or murder. However, there is no doubt in my, from my clinical experience, that pornography can significantly contribute to sexually deviant behavior.

In conclusion, I would urge legislators to take whatever steps constitutionally possible to delete one contributing factor to sexual abuse, pornography.

Respectfully,



Michael J. Scolatti Ph.D.
Licensed Clinical Psychologist

MISSOULA COUNTY



DANIEL L. MAGONE
SHERIFF

OFFICE OF THE SHERIFF
COUNTY COURTHOUSE
MISSOULA, MONTANA 59802
(406) 721-5700

DOUG CHASE
UNDERSHERIFF

February 08, 1989

Mr. Bruce Crippen
Senate Judiciary Committee
Capitol Station
Helena, MT 59624

Dear Mr. Chairman:

As a law enforcement officer with Missoula County for the past 18 years, I am writing this letter to you and the committee in order to advise you that I strongly support Senate Bill 263 and Senate Bill 307 for the following reasons.

I have worked numerous sex crime cases involving young children in the Missoula County area and I can advise you that in almost 100% of the cases worked, pornography in the form of either magazines, videos or 16mm film is always associated. As the statutes now stand, children are allegedly to be protected from such trash due to constraints placed on the retailers. Law enforcement will tell you that there is certainly no constraints placed on this material once it has left the retailer and it is in the hands of perverts.

Montana does allow for misdemeanor punishment for providing children with this material; however, this seems ludicrous, due to the fact that in all cases this officer has been associated with, a felony perversion has been already committed against the children. The misdemeanor offense is overlooked or never charged in favor of the felony offense.

These sexual perverts are utilizing this pornography material to groom or seduce the young victim. In a recent case I worked, an elderly male individual invited young teenage boys into his home and would casually mention to them in a joking way, and to call their attention to them, "Do not look at those books on the floor" (pornographic magazines). Once the boys looked thru the magazines, they were then introduced to pornographic video tapes and 16 mm movies. After watching the videos and movies, the boys were talked into acts of fellatio and anal intercourse. This officer could go on with case after case; however, I feel this particular one make the point.

Letter - Page 2
February 08, 1989

Missoula County has had nude dancing for the last several years. This officer has noted an increase in the activities of prostitution around these bars that permit nude dancing. Much of this prostitution is carried on by single female individuals with no organized ties; however, this department did, within the last year, arrest a ring of organized Korean prostitutes, no more than two blocks from a bar that permits nude dancing.

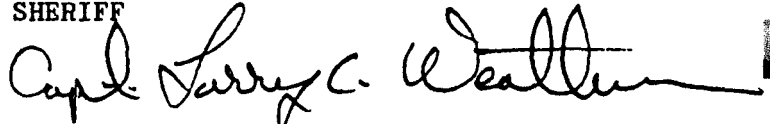
A former dancer of "Pretty Girls" advised that it was her job to do a strip routine on stage while individuals in separate booths with glass fronts observe her. She advised that many male customers would masturbate while watching her and ejaculate on the glass partition that separates her from the customers. She further advised that it was the responsibility of the dancer to clean the semen off the glass partition. The dancer advised that she had to do dope in order to get thru the performance. Intelligence information indicates that some of these strippers or dancers are providing customers with their telephone numbers and addresses in hopes of promoting themselves as prostitutes.

As a law enforcement officer with 18 years experience, I cannot tell you that pornography is the direct cause of perversion; however, I can say emphatically that pornography insights and excites these perverts into acts committed on these children. It is used as a tool or a basis to begin the act.

As a citizen, husband, father, and a reasonable person, I find that pornography and nude dancing are of no literary, artistic, political or scientific value. I urge the passing of Senate Bill 263 and Senate Bill 307.

Sincerely,

DANIEL L. MAGONE
SHERIFF



Captain Larry C. Weatherman
Detective Division

LCW:dr

MONTANA RELIGIOUS ALLIANCE FOR DECENCY
COMMUNIQUE ON PORNOGRAPHY AND OBSCENITY

SENATE JUDICIARY

EXHIBIT NO. # 601P-1

DATE 2-9-89

BILL NO. 263, 307

As religious leaders of the state of Montana, representing a broad spectrum of the religious community, we have met on this day January 26, 1989, in Helena, Montana to discuss the problem of obscenity and pornography and to issue a statement of agreement concerning possible solutions. We understand that the meeting today is one step in an ongoing process to further seek cooperation among religious bodies on this vital topic.

1. We believe that obscenity is harmful to the men, women and children of our society. (see Attorney General's Report)
2. We believe that as religious leaders we have a responsibility to help people understand sex is a beautiful gift of God's love. Sex is part of God's design giving sanctity and dignity to human relationships.
3. We believe obscenity (hard-core) and pornography (soft-core) are harmful in that they degrade the dignity of the human being created in the image and likeness of God.
4. We believe that as religious leaders we have a responsibility to help people understand the degrading nature of pornography.
5. We believe in the passing and enforcement of strong obscenity laws as have been defined by the U.S. Supreme Court:
 - (1) The material describes sexual conduct in an obviously offensive way.
 - (2) The material goes against contemporary community standards appealing to a morbid interest in sex.
 - (3) The material lacks serious literary, artistic, political, or scientific value.
6. We do not advocate censorship of materials which have been clearly outlined by the Supreme Court as being under First Amendment protection.
7. We believe that laws should be passed and enforced that will place soft-core pornography out of the reach of children (commonly referred to as Harmful to Minors laws).
8. We believe that laws should be passed and enforced to stop commercial nudity and/or commercial live sex shows which we believe to be harmful to our society.
9. We encourage people as responsible American citizens to study the issue of pornography and to take the appropriate actions to maintain moral communities. (see the Attorney General's Report, p. 330)
10. We hereby subscribe to this communique as responsible individuals and religious leaders with the understanding that we do not necessarily speak for our entire constituencies.

SIGNATURE

ORGANIZATION REPRESENTED

SIGNATURE

ORGANIZATION REPRESENTED

John L. Ellis	American Baptist Churches of the Northwest, Big Sky Area
Harold S. Kellam	Faith Covenant Presbyterian Church Kalispell, MT
Steve Mathewson	Representing the Montana Regional of the Independent Fundamental Churches of America (IFLA);
David E. Archibald Roy L. Bryant	First Church of God, Anderson, Indiana Affiliate
Calvin H. Morrow	District Superintendent Pentecostal Church of God,
Arnold R. Carlson, Jr. Victor J. Berg Floyd H. Oliver	Rocky Mountain District Church of the Nazarene
John L. Ortwein	Montana Catholic Conference
Paul Goodman	Montana District Council of the Assemblies of God
Tom McGillvray	Billings Home Fellowships
Carrol J. Smith	Church of Jesus Christ of Latter Day Saints
Rev. Steven C. Carlson	The Montana District of the Lutheran Church, Missouri Synod, Divide Circuit Counselor
Rev. Lyle R. Person	Evangelical Covenant Church
Marc Cramer	Helena Christian Fellowship
Donald G. Johnson	District Board Pentecostal Church of God
Michael C. McGovern	Divisional Superintendent of Rocky Mountain Foursquare Churches
Bruce A. Donnelly	Clark Fork Christian Center Great Falls Christian Center
Jerry Christison	for the churches of Christ
Leroy V. Myers	The Evangelical Church, Western Conference
Rev. Cornelius Pool	Montana Christian Reformed Churches
Michael Yakaivich	Unification Church (MT)
Lynn A. Conner	Gateway Baptist Church
Dr. Robert J. Ratner	Rabbi
Rev. Gerald Clark	Emmanuel Baptist Church Mt. Gen. Ass. of Regular Baptist Churches

Mr. Chairman, Mr. Vice Chairman, Gentlemen.

I support good solid legislation that protects our families from the degradation that is exhibited on stages in bars and the newsstands of the local market. I support legislation that would force businesses to be held accountable for exhibiting pornographic material openly to the public especially our children.

I have been a police officer for the Billings Police Dept for about 15 years. During that time, it has come down to "you name it, I've seen it." During my tenure as a police officer, I've arrested totally nude dancers who weren't ever employed by the establishment they were in, but just "caught up" in the moment of passion, to arresting a homosexual who had just sexually assaulted an undercover officer who was trying to make cases on prostitutes. I've arrested a man for soliciting for prostitution. I've been 86'd from a local nude dancing bar because he thought I was harassing him because of arrests I had made there. Do you know what a "glory hole" is? It is a hole drilled in the wall between two porno movie arcade booths so that sexual favors can be performed anonymously. Prostitutes turn tricks in the booths along with homosexuals for free. Bathrooms in some of these establishments become miniature brothels. One of the bookstore clerks said that she had to clean the semen from the floors and walls of the booths a couple of times a day. I walked into one of the businesses on a routine business check as we are assigned to do, and observed a man masturbating in one of the booths with the door open. We have caught prostitutes turning tricks right outside the doors, in cars.

Hug and mug is a term coined in Billings to refer to the prostitutes that put one hand down the pants of the patron exiting from the adult theatre while the other hand is in his pocket. It has also been very evident that drugs flow freely from these joints because of the number of cases made in or near them. I haven't even touched on the assaults that occur. These are only a few of my observations.

I spent five years in the detective division, as a crime scene photographer and technician. I had an occasion to assist in the investigation of several homicides. There were a couple where the defendant was heavily involved in pornography. The victims had been mutilated.

Gentlemen, I could continue. I have three innocent children, ages 7, 9, and 10. I don't want them exposed to this kind of filth in any way, especially as victims of some sexual deviate. I would implore you to act in controlling these types of establishments, stores, and porno emporiums. I'm sorry that I don't have all the answers, but I've only tried to point out to you that there is a real problem that needs to be dealt with. I only ask for protection for my family and yours.

Randy Vogel
Billings Police Department

County of Yellowstone



BILLINGS, MONTANA 59101

COUNTY ATTORNEY'S OFFICE, YELLOWSTONE COUNTY COURTHOUSE, ROOM 508
(406) 256-2870

- | | |
|---|--|
| <input type="checkbox"/> Criminal Division | <input type="checkbox"/> Victim/Witness Assistance |
| <input type="checkbox"/> Civil Division | <input type="checkbox"/> Child Support Enforcement |
| <input type="checkbox"/> Deferred Prosecution | |

SENATE JUDICIARY

EXHIBIT NO. 8, p. 1

DATE 2-9-89

BILL NO. SB 307 etc

February 8, 1989

Tom McGillvray
2507 Wyoming Avenue
Billings, MT 59102

Re: Proposed Obsenity Legislation

Dear Tom:

As I discussed at the M.C.D.L. meeting last night, my office presented cases under the prior obsenity statute which extended to adults. Should the legislature deem it in the public interest to reinstate the law to apply to adults, this office will prosecute those cases based on proper police investigation, that we can properly bring before the court.

As I further explained, the law has rather narrow application because these matters involve traditional first amendment issues. Suffice it to say that those materials which are clearly obscure, or those who sell it for profit, make no positive contribution to the community.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Harold".

Harold F. Hanser
County Attorney

HFH/cr

CONCERNS ABOUT THE COMMERCIAL NUDITY INDUSTRY

SENATE JUDICIARY

EXHIBIT NO. 8, p. 2

DATE 2-9-89

BILL NO. 8111
S.B. 30-
etc

The following concerns are established in the area of realistic attitudes that are a concern of all citizens.

- There is an historical increase in the crime rate in specific areas where sex shows are allowed to operate.
- An employment opportunity is created for the youth as they are encouraged to enter the field of sex entertainment. The creation of the market demands products which pull upon the youth from the schools. Some jobs created are much more of a risk than others, as some young girls are used as nude dancers while others may serve as secretaries. As the sex industry entices young girls the question must be asked, "Do I want my daughter or granddaughter working as a secretary in a law office or secretary or product of the sex industry".
- A tone is set for the community that sex exploitation is an appropriate, accepted enterprise by community standards.
- There is an impact on the performers themselves. The extreme risk of disfunctional damage is present. Most performers are exposed to rape and battery.
- There is an increased burden to the tax payer due to the increased legal zoning problems, police protection and public maintenance costs. All citizens support the industry rather than the industry supporting itself.
- Property is devalued when a sex entertainment business moves into a neighborhood or area putting the individual property owners at loss without concern from the sex industry.
- In tolerating the commercial nudity business we must realize we are dealing with the mass of the sex industry itself. When any one aspect of the business expands the industry as a whole grows, and as it grows it builds a political power that determines community likes and dislikes. The power of the community standard should not be put in the hands of the sex industry.

Information gathered from
Dr. Judith Reisman

Tom McGilley
Billings mt

SENATE JUDICIARY
EXHIBIT NO. 4
DATE
BILL NO.

Christians' stand on porn is proper

Church's message a 2-edged sword

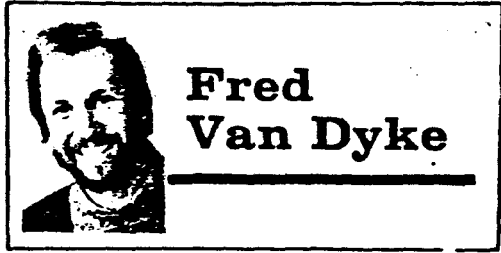
The Gazette's Nov. 6 editorial described how pickets of Kwik Way stores have missed the point in their opposition to pornography. But even editors are not infallible, and there are a few points worth making that the editorial had missed.

Pornography is not a social evil that stands alone. It is an important revenue-gathering device for many racketeering and criminal organizations. That is why pornographers who operated in Fort Wayne, Ind., have seen their case tried before the U.S. Supreme Court as violation of the Racketeering Influence and Corrupt Organizations (RICO) Act, a law aimed at persons who use profits from their businesses for illegal activity. When one of this case's prosecutors, Stephen Sims, was asked some time ago why he considered pornography part of organized crime, he replied candidly, "Because it is."

Pornography not only provides income to finance other crimes, it is a crime of its own, with its own victims. Pornography creates motive, desire and economic return for sexually exploiting children. Pornography degrades women (though, in recent years, pornography for women has been doing its best to make things more equal by degrading men). But pornography is ultimately a criminal activity directed against God Himself, because it defaces the beauty of human beings made in His image. The traditional word for that kind of activity is sin, and Christians, among others, have been right to confront it.

The message of the church to the world is a sword with two edges. One proclaims the power of God's love, which is so great that even those ravaged as victims of pornography can be restored by it. The other takes its stand against evil and recognizes that what is legal is not necessarily what is right. Our country has suffered the injustices of legal slavery, legal segregation and legal discrimination. These practices were, in their time, accepted and even approved by the majority. The ends of these wrongs, in every case, began when small groups of ordinary

Guest columnist



Fred Van Dyke

people chose to stand against them. Today, we enjoy the benefits of their courage, and Christians played no small part in that work.

The right to read what you want is an adult privilege. The right to distribute material to the public carries a moral obligation. That is why the pickets direct their effort against distributors, not readers. For those who distribute material to the public assume a social responsibility for the effects of their products, as any good lawyer knows. That is why we prosecute drug dealers, even though their victims are willing customers, prepared to spend fortunes for what will eventually destroy their lives.

Soft or hard, pornography is pornography. The more attractively packaged and readily available, the greater the harm it will do. When a church or its members boycott the work of those who harm others, they are not, as The Gazette suggested, exercising economic blackmail. They are putting their money where their mouths are, because it takes more than a newspaper editor calling pornography "a blight upon the soul of America" to do something about it. Because the pickets really believe this sentiment which The Gazette has publicly expressed, they have taken their stand, and their target is well chosen. They are not missing the point. They are making one. It seems that the most important point of all has been missed, not by the protesters, but by the editors of this newspaper, who have confused liberty with license, and the mature exercise of freedom with the harmful abuse of its privileges.

Tom McBillings
Billings mt



CITY OF BILLINGS
JAMES W. VAN ARSDALE
MAYOR
P.O. BOX 1178
BILLINGS, MT 59103
PHONE (406) 657-8296

SENATE JUDICIARY
EXHIBIT NO. 8, p. 4
DATE 2-9-89
BILL NO. SB 307
etc

PROCLAMATION

WHEREAS - children should be raised in a wholesome atmosphere, free from exposure to obscene material in which men and women are exploited; and

WHEREAS - pornography has a destructive influence on those it exploits and those it entices; and


WHEREAS - the citizens of the City of Billings value the qualities of modesty, purity, wholesomeness and respect; and

WHEREAS - we must stand together to encourage a more decent and enriching moral environment for our families and children.

NOW, THEREFORE, I, MAYOR JAMES W. VAN ARSDALE, MAYOR of the City of Billings, do hereby proclaim October 30 - November 6, 1988, as

PORNOGRAPHY AWARENESS WEEK

in Billings and I urge all citizens to join me in this observation.


JAMES W. VAN ARSDALE, MAYOR



Chester the Molester

STATE JUDICIARY

EXHIBIT NO.

8, p. 5

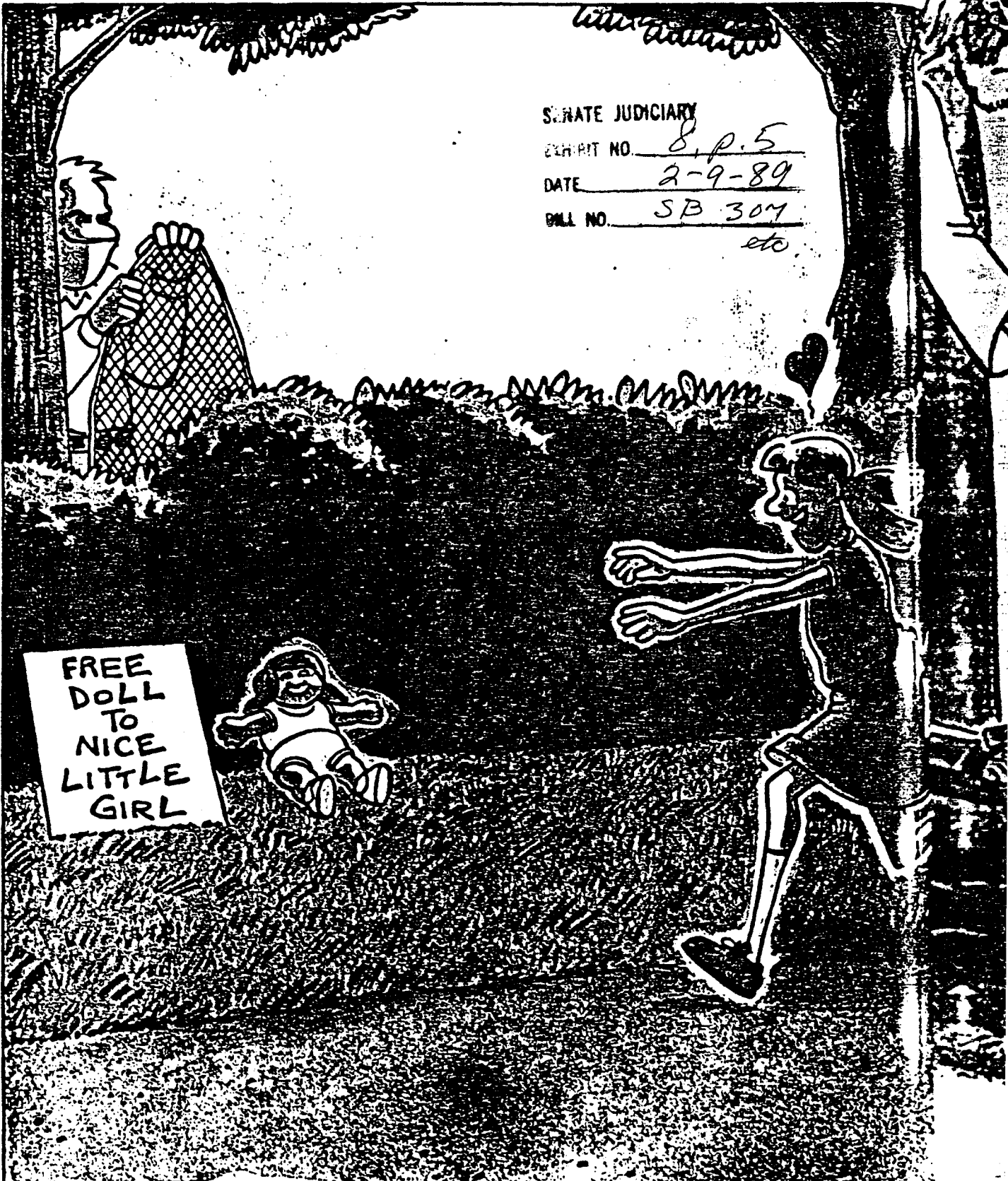
DATE

2-9-89

BILL NO.

SB 307

etc.



DWAIN TINSLEY

Weakness Revealed

Dr. Dobson

An 'All-American Boy,' Bundy Says At The End

STARKE, Fla.

HERE IS A partial transcript of executed killer Ted Bundy's interview with religious broadcaster James Dobson of Pomona, Calif. The interview, taped Monday afternoon, was released to the press Tuesday afternoon after Bundy was put to death in Florida's electric chair.

Dobson: You are scheduled to be executed tomorrow morning at 7 o'clock if you don't receive another stay. What is going through your mind? What thoughts have you had these last few days?

Bundy: I won't kid you to say that it's something I feel I have control of, or something I have come to terms with, because I haven't. It's a moment-to-moment thing. Sometimes I feel very tranquil and other times I don't feel tranquil at all.

Dobson: For the record, you are guilty of killing many women and girls. Is that correct?

Bundy: Yes, that's correct.

Dobson: Ted, how did it happen? Take me back. What are the antecedents of the behavior that we've seen? So much grief, so much sorrow, so much pain for so many people. Where did it start, how did this moment come about?

Bundy: That's the question of the hour and one that not only people much more intelligent than I will be working on for years but one that I've been working on for years and trying to understand. Is there enough time to explain it all? I don't know. I think I understand it, though, what happened to me to the extent that I can see how certain feelings and ideas have developed in me, to the point that I began to act out certain very violent and very destructive feelings.

Dobson: Let's go back then to those roots. First of all, as I understand it, you were raised in what you considered to have been a healthy home. You were not physically abused, you were not sexually abused, you were not emotionally abused.

... my experience with pornography generally, but with pornography on a violent level with sexual violence. I look at this as a... like other kinds of... I would keep looking for more explicit, more graphic kinds of material.

Dobson: How long did you stay at that point before you actually assaulted someone?

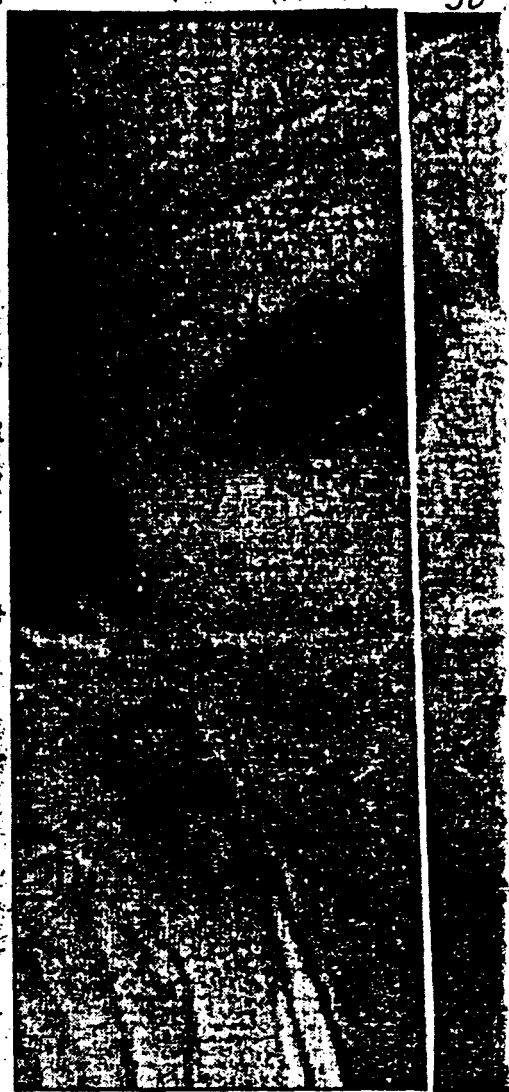
Bundy: Well, yeah. That is a very delicate point, by the way, in my own development. We're talking about something... about having reached the point or gray area that, that surrounded that point over a course of years.

I would say a couple of years. What I was dealing with there was very strong inhibitions against criminal behavior or violent behavior that had been conditioned into me, bred into me in my environment, in my neighborhood, in my church, in my school. Things that said, 'No, this is wrong. Even to think of it is wrong. I'm on that edge, I would say the last vestiges of restraint, the barriers to actually doing something are being tested constantly, assailed through the kind of fantasy life that was fueled largely by pornography.

Dobson: Do you remember what pushed you over that edge? Do you remember the decision to go for it? Do you remember (when) you decided to throw caution to the wind?

Bundy: When you say pushed, I know what you're saying. I don't want to infer again that I was some helpless kind of victim in that we're talking about an influence that is an influence of violent types of media, violent types of pornography which had an indispensable in the chain... of events that led to the behavior... the assaults, the murders.

It's a very difficult thing to describe, the sensation of reaching that point where I knew that, that something had snapped, that I knew



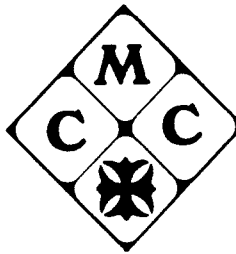
Ted Bundy contemplating a question in interview with James Dobson, a relig...

at the 'All-American Boy,' I wasn't perfect... I was OK. I was the basic humanity and the basic spirit that God gave me was intact, but unfortunately became overwhelmed at times.

And people need to recognize it's not some kind of... of us who are or who have been so much influenced by pornography. In particular, pornographic violence, are not some kind of inherent masters.

We are your sons and we are your husbands and we grew up in regular families. And pornography can reach out and snatch a kid out of any home today. It snatched me out of my home 20 years ago and as dedicated as my parents were, and they were diligent in protecting their children and as good a Christian home as you could have had a woman... no protection against the influence that pornography had on me.

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Montana Catholic Conference

SENATE JUDICIARY
EXHIBIT NO. 10
DATE 2-9-89
SB307
etc

SENATE JUDICIARY
EXHIBIT NO. 10
DATE _____
BILL NO. _____
February 9, 1989

CHAIRMAN CRIPPEN AND MEMBERS OF THE SENATE JUDICIARY COMMITTEE

I am John Ortwein, representing the Montana Catholic Conference.

The current widespread availability of blatantly offensive pornographic materials confronts our society with many problems.

Pornography is loveless and glorifies sex for its own sake. It fosters an erosion of reverence for life and love and reduces sexual intimacy to an exercise of self-gratification, power, or pleasure and pain. It is therefore, an attack on every person's human dignity. It is an evil that desensitizes and degrades all who use it, insults and victimizes all women, promotes sexual violence, and violates the minds and bodies of innocent children.

The past decade has been a period of explosive growth for the pornography industry. Because of this unrestricted growth, it has spread from the larger cities into suburban areas and smaller towns. It has undermined our traditional family values and made a mockery of the sanctity of marriage.

The Montana Catholic Conference supports Senate bills 263, 307, and 342 because the consistent Catholic tradition considers sexuality as a gift from God and because of our insistence on the intrinsic dignity of every person. We urge your support on these three bills.



PETER "PETE" BRUNO, M.Ed., L.P.C.
Sexual Assault Treatment Program, Director

SENATE JUDICIARY

EXHIBIT # #11, p. 1
DATE 2-9-89
BY SB 307 etc

GRADUATE EDUCATION

Bachelor of Arts in Psychology, Brown University

Master of Education in Counseling, Montana State University

CERTIFICATION AND LICENSURE

Department of Institutions and Department of Social and Rehabilitation Services:
Mental Health Professional Person #239

Montana State: Licensed Professional Counselor #102

POST-GRADUATE EDUCATION

1980 National Seminar - Advanced Interpretation of the MMPI.
Dr. Ziskin - Seminar on MMPI for Court Cases.

1981 Northwest Treatment Associates Workshop - Evaluation and Treatment
of Sex Offenders.

1983 National Seminar - Advanced Interpretation of the MMPI.

1984 Northwest Treatment Associates Workshop - Evaluation and Treatment
of Sex Offenders.
Irwin Dreibblatt's Workshop - Dynamics and In-Community Treatment
of Offenders.
Harborview Hospital Sexual Assault Center Course - Child Sexual Assault.

1985 Judith Becker/Michael O'Brien Workshop - Evaluation and Treatment of
Adolescent Sex Offenders.

1986 Menninger Foundation's Villages Program - Dynamics of Child Sexual Abuse.
Nicholas Groth's Forensic Mental Health Associates Workshop - The
Treatment of Sexual Assault Offenders and Victims.

1987 Eugene Porter's Workshop - Victim to Victimizer.
Eastern Montana College - Sexual Assault of Children and Adolescents.
Montana Department of Justice - Interdisciplinary Conference on
Child Sexual Abuse.

EXPERIENCE

1988 ~~14~~ *x 3* ~~Thirteen~~ Clinical Years

8 ~~Seven~~ Years of Specialization in Sex Offender Evaluation and Treatment

INVITED PROFESSIONAL PRESENTATIONS

Advanced MMPI Interpretation Strategies

Typologies and Family Dynamics of Adult and Adolescent Sex Offenders

AWARDS AND RECOGNITION OF ACHIEVEMENT

Montana Mental Health Association, Montana Council of CMHC Boards, and
Montana Department of Institutions - 1981 Outstanding Direct Service Provider

Montanans for Children, Youth and Families, Inc. President - 1979 to Present

1989 Secretary - *Montana Sex Offender Treatment Assn.*

1/1/88

SENATE JUDICIARY
EXHIBIT NO. 11 p. 2
DATE 2-9-89
BILL NO. SB 304 etc

February 7, 1989

STATE JUDICIARY COMMITTEE
MONTANA STATE CAPITOL
HELENA, MONTANA 59601

Dear Senators;

I am a detective for the Lincoln County Sheriff's Department. As a detective, I have been dealing with sexual assault and abuse cases since 1980.

In 1988 it was reported that Lincoln County was number three (#3) in total number of reported sexual crimes for the state. Per capita, that made us #1.

I can personally tell you that in almost every case where I have entered the suspect's residence, pornography was around in one form or another.

In speaking with Joanne Serna, of our Mental Health Office, she related to me that the majority of her juvenile victims have told her that the suspect in their individual case was using pornography.

I had the opportunity to attend an FBI sex crimes profiling class in November of 1987. They showed several cases on sex crimes, and all involved pornography in some way. They are convinced, and assured us that porn is involved with these sex crimes.

After seeing these victims and suspects, along with porn year after year, I can assure you there is a direct connection. People read the stories, or see the porn movies, and believe what they see and read. Their one purpose in life will be to fulfill the fantasy that they have received from this material. I have seen this happen in Libby.

I have heard people say, "We are giving up our rights if we vote in an anti-pornography law". But, I ask you, wouldn't you give up your right to buy porn if it could possibly save one child from being a victim, or one more person from becoming a suspect?

I have also had people ask me, "Why do you want another law to enforce when you can't stop the problem?" Well, they may be right. The law may not stop porn worldwide, but it will help in the State of Montana. We have many laws; laws against theft, murder, and drugs. We will probably never stop these crimes, including drugs, but by making drugs illegal we can keep it out of some of our kids' hands. If we can do this then the law is worth the trouble. This includes the pornography laws.

SENATE JUDICIARY

EXHIBIT NO. 11 p. 3
DATE 2-9-89
BILL NO. SB 307 etc.

Senate Judiciary Committee
Page 2

February 7, 1989

There is a lot I could write about sex crimes and pornography, but I know you are busy. I wish I could have testified in person but could not make it due to commitments in court. I would like to help you to see, feel and understand about the victims we deal with. It is hard to understand unless you see it first-hand. But believe me when I say pornography is connected to these sex crimes, and I believe it is the fuel that feeds the fire.

I urge you to vote for and support the anti-porn laws.

Sincerely,

Don Bernall

Lt. Donald H. Bernall
Lincoln County Sheriff's Department

SENATE JUDICIARY

EXHIBIT NO. 11, P. 4
DATE 2-9-89
BILL NO. SB 309 et

February 7, 1989

STATE JUDICIARY COMMITTEE
MONTANA STATE CAPITOL
HELENA, MONTANA 59601

Dear Senators;

I would like to talk to you about the Nude Dancing Law, which is before you.

In 1987 a group of nude dancers came to Libby, Montana, from out of state. I was asked to check on the situation to make sure it complied with city, county, and state laws.

After arriving, I found that our laws are so vague there was nothing I could do. While there, I observed three individuals I had previously dealt with on sexual crime investigations. This nude dance was being held in a bar, where everyone I saw was consuming alcohol. As I left that night, I fully expected to be called back to work on another sexual assault. I felt they were turning 150 to 200 sexually aroused men whose judgement was impaired by alcohol loose in our community.

I feel we have enough problems with sexual abuse and assaults, without arousing these people with nude dancers and alcohol. I believe anyone can see how someone who is already disposed towards a sexual crime can be excited to the point of fulfilling that crime by this type of activity.

Sincerely,

Don Bernall

Lt. Donald H. Bernall
Lincoln County Sheriff's Department



U.S. Department of Justice

SENATE JUDICIARY

EXHIBIT NO. 11, p. 5

DATE 2-9-89

BILL NO. SB 307 etc

United States Attorney
District of Montana

ADDRESS REPLY TO
UNITED STATES ATTORNEY
AND REFER TO
INITIALS AND NUMBER

Post Office Box 1478
Billings, Montana 59103

406/657-6101
FTS/585-6101

October 7, 1987

Mrs. Larry Anderson
172 Pioneer Road
Libby, Montana 59923

Dear Mrs. Anderson:

Reference your excellent letter dated October 5, 1987, regarding pornography and its relationship to sexual abuse.

The best suggestion that I can make is contact and lobbying with the Montana legislative body to enact strong and legal anti-obscenity statutes. The best example of this is House Bill 1171, enacted in the State of North Carolina with an effective date of July 11, 1985. I have enclosed an article which describes some of the lobbying efforts in getting that legislation enacted.

Another suggestion I can make is to become active in those organizations opposed to obscenity. I would particularly recommend Citizens for Decency Through Law, Inc., 2331 West Royal Palm Road, Suite 105, Phoenix, Arizona, 85021, telephone number 602-995-2600.

Sincerely,


PETE DUNBAR
United States Attorney

PD:mah
Enc.

*Perry Crooks***Montana Citizens for Decency Through Law, Inc.**

P.O. Box 1202 • Libby, Montana 59923 • (406)293-5426

SB 307 etc

February 9, 1989

RE: S.B. 307
S.B. 342
S.B. 263

Senate Judiciary Committee,

Because of the values upon which this nation was founded, there is a need for the bills under consideration. In this nation the laws exist for the good of all the people rather than people existing for the good of some legal principle at the expense of the people. Our forefathers did not die at Valley Forge to give someone the right to sell and exploit people sexually for financial gain and then hide behind a false claim that this is what freedom in America is all about.

S.B. 307 is patterned after similar laws now on the books in progressive states, counties and cities since 1973. According to the U. S. Attorney General's Report on Pornography these laws have not been a threat to a serious publication in any library. In putting together that report, they heard many cries of inflammatory rhetoric and accusations of censorship, but finally evaluated those who issued such cries as people with "phantom fears". (page 22) This law strikes at organized crime, which produces 90% of this material, and at those of similar thirst for money who recruit and exploit young people to be their victims for prostitution and drug abuse in order to make such material. A long chain of abuse and victims follows, which includes the rapist who believes the "Rape Myth" that women really want to be raped, as well as the woman or child who becomes the target of sexual abuse to fulfill the empty bottomless fantasy of pornography. (pgs.291,284)

S.B. 342 will put soft-core pornography behind the counter out of reach of minors. This would be a logical move in the mind of anyone concerned about children picking up magazines off the racks and getting an eye-full of sexual education from Playboy's, Penthouse's or Hustler's pro-homosexual, pro-A.I.D.S. life style. Every community has stories of young boys standing in front of easily accessible pornography racks fondling themselves. By law these magazines cannot be prohibited from sale, but citizens have the right to restrict the location of their sale so that children cannot pull them from the racks.

S.B. 263 will restrict nude dancing and stripping in establishments which sell alcohol. Such activity sets a negative community standard and recruits its strippers from among our children and the children of our neighbors. It is common knowledge that prostitution is a large part of that business as a natural by-product of situations where people are involved with the lowered inhibitions of intoxication and sexual arousal.

I encourage you to make your evaluations with an intellectual study of the U.S. Attorney General's Report. Consider Dr. Dietz's comments in that report as he argued for pornography at the start of the hearing and then reversed his position 180 degrees by its conclusion. Listen to the cries of the victims and the cries of those who cannot cry any longer. The decision handed down by you and your influence in this matter will be a determining factor in the lives of many young people and families of our state in the years to come.

Thank you for your service,



Terry Crooks, Vice-President of Montana Citizens for Decency through Law
662 Cherry Creek Rd.
Libby Mt. 59923
(406) 293-6629

Bruce Crippen
Senate judiciary Committee

SENATE JUDICIARY

EXHIBIT NO. 11, p. 8

DATE 2-9-89

BILL NO. SB 307 etc

Two years ago I learned that my two young boys had been sexually molested and subjected to pornographic material.

For quite sometime I felt that something was very wrong with my kids but I couldn't find out what it was. On January 21st, 1987 I found out that the young man up the street from us and who babysat occasionally was using them sexually. He was a brother to two of their playmates.

I learned of this molestation inadvertently from my youngest son. He had drawn a dirty picture and put it in the head of his boy scout survival knife. He couldn't get the top off and had brought it to me to unscrew. When I had loosened it and was going to take it off he started screaming and crying, grabbed the knife and took something out of it and threw it in the garbage. Of course I retrieved it and when I saw it and started to question him it all came out. He was taking turns using them after they had gone to bed. I took them to the Dr. and had them examined. They were tested for V.D. and the oldest boy had contracted gonorrhea from him. They were both given a very painful shot, and it took them almost an hour before they could even walk.

I asked my youngest boy where he had seen pictures of that nature that he could draw something like that and he said that the young man in question had shown them dirty books and done things to them.

We contacted the police and the man was arrested, held in jail for about two weeks and released. His trial was delayed and postponed for a year and then dismissed on lack of evidence.

I just can't stress strongly enough the need to pass strong and enforceable laws against pornography. To ban and eliminate a very definite link between sexual crime and the influence of pornographic material.

I might add that the young man that molested my boys went on to molest a 4 year old boy while he was waiting to go to trial for mine. That went on after his case was dismissed and he was caught again, jailed, tried and sentenced to 10 years in jail. Five of which was suspended.

Marlene Minnow Elliott

Ex 11, p. 10
2/9/89
SB 307, 263, 342

Volume 21
Numbers 1 & 2
Fall 1987 and Winter 1988

UNIVERSITY OF MICHIGAN

JOURNAL OF LAW AND PUBLIC AFFAIRS



SYMPOSIUM: PORNOGRAPHY

Introduction
Lillian R. BeVier

ARTICLES

Pornography and Obscenity Sold in "Adult Bookstores":
A Survey of 5132 Books, Magazines, and Films
in Four American Cities
Park Elliot Dietz and Alan E. Sears

Methodological Issues in the Content Analysis
of Pornography
Daniel Linz and Edward Donnerstein

Pornography is a Civil Rights Issue for Women
Andrea Dworkin

Brief Amici Curiae of Feminist Anti-Censorship
Taskforce, et al., in *American Booksellers
Association v. Hudnut*
Nan D. Hunter and Sylvia A. Law

The Right to Speak, the Right to Hear, and the
Right Not to Hear: The Technological Resolution
to the Cable/Pornography Debate
Michael I. Meyerson

Prurient Interest and Human Dignity: Pornography
Regulation in West Germany and the United States
Mathias Reimann

Hard-Core Pornography: A Proposal for a Per
Se Rule
Bruce A. Taylor

NOTES

Improving Handicappers' Civil Rights in Michigan—
Preventing Discrimination Through Accommodation

Rape Shield Laws—Is It Time for Reinforcement?

See esp.
38-41

TO: Senate Judiciary Committee

FROM: Carl A. Hatch
97 Meadow Drive
Helena, MT 59601
telephone: 442-7830 (office)
442-2353 (home)

DATE: February 9, 1989

RE: Senate Bills 307, 342, 263

SENATE SECRETARY
12-18-89
2-9-89
SB 307 etc

Honorable Senators:

I urge passage of Senate Bills 307, 342 and 263 into law. As the parent of five daughters and a son, ages 19 to 10, I am concerned with what I see as an increasing exposure to pornographic violence. Obscene material, productions, and films are flooding society, and we are drowning in a sea of filth. These bills will help to stem the flood. "Smut peddling" has become big business in this country. The harmful and addictive nature of pornography is documented.

In Montana we have become leaders in protecting the environment, our air, water and resources, from exploitation and pollution; we see the value to life and limb to require occupants of motor vehicles to wear seat belts. Surely we can lead in protecting our citizens from patently offensive depictions or descriptions of sexual conduct and abuse.

These bills do not limit or prohibit legitimate free speech or expression. They state in no uncertain terms what we in Montana consider as obscene and what kind of society we are.

Carl A. Hatch

Ex. 12, p. 2
2/9/89

NATION

Psychologists discount post-abortion trauma

WASHINGTON (AP)—The American Psychological Association says a survey of the scientific research on abortion suggests that most women suffer no lasting emotional problems from the procedure.

"By and large, what you find is that most of the women who have abortions experience a sense of relief," Brian Wilcox, director of public interest legislation at the APA, said in an interview on Tuesday.

The APA survey found that much research on the subject has been flawed, but it also found the notion of a post-abortion syndrome is not a "scientifically or medically recognized" disorder.

Earlier this month, U.S. Surgeon General C. Everett Koop said in a letter to the White House

that there was no scientifically sound evidence showing negative health effects to the 1.5 million women who get abortions annually.

Groups opposed to abortion have promoted the idea of a "post-abortion trauma," typically by offering anecdotal evidence about individual cases.

Olivia Gans, director of a group called American Victims of Abortion, said negative findings on the effects of abortion are absent from scientific literature because the APA and the American Medical Association have a pro-abortion "bias."

But she agreed with both Wilcox and Koop that more research on the subject is needed.

Wilcox said APA experts surveyed more than 100 studies on the psychological effects of abortion and found that most were flawed scientifically because they failed to make valid comparisons. For exam-

ple, Wilcox said, no studies have directly compared the relative effects on women who choose abortion with those who decide to bear an unwanted child for adoption, or raise a child out of wedlock.

In general, however, the studies do not show any lasting psychological trauma that can be attributed to abortion, he said.

"It's clear that the vast majority of women are not going to experience any significant problems," said Wilcox. "Millions of women are having abortions and it appears to be a relatively benign procedure both medically and psychologically. It just depends on the circumstances surrounding the abortion."

Wilcox said there is "the occasional woman" who has difficulty adjusting emotionally after an abortion, "but that depends on whether she has had psy-

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Bundy: TV sex violence dangerous

His craving for porno grew into bloodlust

STARKE, Fla. (AP)—Hours before his execution, Ted Bundy coolly traced his origins as a serial killer, describing how boyhood glimpses of violent pornography became an addiction that grew until his "destructive energy" exploded from fantasy into reality.

The 42-year-old law school dropout, whose bizarre mixture of intelligence, charm and homicidal bloodlust were the subject of five books and a TV movie, also

Bundy's youth strange

SEATTLE (AP) — A psychiatrist who examined Ted Bundy as part of a last-ditch attempt to save him from execution concluded that the confessed serial killer probably started developing psychological problems as an infant.

Dr. Dorothy Otnow Lewis, of New Haven, Conn., said Bundy first lived in the home of his maternal grandparents in Philadelphia, with a grandfather who was "an extremely violent and frightening individual."

The grandfather would kick dogs, swing cats by their tails, beat people who angered him and read pornography voraciously, she said.

There are loose in the towns and their communities people like me today whose dangerous impulses are being fueled day in day out, by violence in the media... particularly sexual violence."

Bundy said in a videotaped interview Monday.

Bundy, who after a decade of denial told detectives from four states that he had murdered 23 young women since the mid-1970s, said he deserved his punishment.

"I don't want to die, I'm not going to kid you... (but) I deserve, certainly, the most extreme punishment society has. I think society deserves to be protected from me and from others like me."

Bundy said in the interview with James Dobson, a religious broadcaster and psychologist.

He said between sobs he hoped the interview would spur society to protect itself from the widespread influence of pornography, TV violence, and X-rated movies.

Although he said he felt remorse for the



Bundy during the interview with Dr. James Dobson the night before the serial killer was executed.

sex-related murders, which authorities believe could total 36 nationwide, Bundy said, "There is no way in the world that killing me is going to restore those beautiful children to their parents."

"Dobson, who has a daily program heard on 1,200 radio stations, asked about the rape and murder of 12-year-old Kimberly Leach, for which Bundy was executed.

"What did you feel after that?"

Bundy responded: "I can't talk about that right now... It's too painful... I can't begin to understand the pain that the parents of these children (felt). 'I don't ask them to forgive me. I'm not asking for it. That kind of forgiveness is of God.'"

Prodded by Dobson to explore the sources of his violence, Bundy said that during his murder rampages "the unique thing about how this worked... is I still felt in my regular life the full range of guilt and remorse about other things."

But the murders, he said, were "compartmentalized" in his brain, a "very well focused, very sharply focused area that was a black hole that was like a crack and everything that fell into that crack hole just disappeared."

Claiming he was "essentially a normal person" who grew up in a good home, Bundy said:

"People need to recognize... those of us



Bundy is hung in effigy by Reagan impersonator Jerry Jackson in Atlanta, Ga., during a pro-death penalty celebration.

who are or who have been so much influenced by violence in the media, in particular pornographic violence, are not some kind of inherent monsters. We are your sons and we are your husbands and we grew up in regular families. And pornography can reach out and snatch a kid out of any house today."

LEGALS

CITY OF HELENA NOTICE TO BIDDERS

The City of Helena will receive sealed bids for the purchase of One (1) New 1988 or 1989 Street Sweeper. Bids will be opened at 10:00 a.m. Local Time on February 21, 1989, in the office of the City Clerk, City of Helena, 314 North Park Avenue.

Anyone wishing to submit bids may obtain detailed specifications from the City Clerk or the Director of Public Works, Office at 314 North Park Avenue, Helena, MT 59623.

The City of Helena reserves the right to reject any or all bids, to waive irregularities in the bidding process, or to accept the bid deemed to be in the best interests of the City of Helena.

CITY OF HELENA MONTANA
William J. Vorwall
City Manager
January 18, 1989

ORDER SETTING TIME AND PLACE OF HEARING PETITION FOR CHANGE OF NAME MONTANA FIRST JUDICIAL DISTRICT COURT LEWIS AND CLARK COUNTY

Case No. 80V-01

IN RE THE MATTER OF THE CHANGE OF NAME OF TAYLOR J. AHO

Tane S. Nelson has petitioned the Court for its order changing the name of her natural child from Taylor J. Aho to Taylor J. Nelson, Territor.

IT IS HEREBY ORDERED that the petition of Tane S. Nelson to change the name of her natural child from Taylor J. Aho to Taylor J. Nelson shall be heard at the Lewis and Clark County Courthouse, Helena, Montana on the 23rd day of February, 1989, at 2:00 o'clock p.m., of which time objections to said petition will be heard at any time before a hearing objections may be filed with the Clerk of said Court by any person who can, in such objections, show to the Court good reasons against such change of name.

Dated this 13 day of January, 1989.

LELA GILBEATH,
Clerk of Court
BY JUDY HARRIS,
Deputy Clerk
(SEAL)
Tane S. Nelson
Attorney at Law
New York Block
4th Main St.
Suite 26
P.O. Box 413
Helena, MT 59624
(406) 447-7337
Attorney for Petitioner
Tane S. Nelson
January 18, 22 February 1, 8, 1989

BRIEFS

Chem weapons prompt response

WASHINGTON (AP)—The Democratic chairman of the Senate Foreign Relations Committee and a conservative Republican member are drafting...

Woman bishop's approval not unanimous

BOSTON (AP)—The election of the first woman bishop of the Episcopal Church has been approved despite adamant objections, but church officials don't expect a schism.

Tuesday's mail brought the 40th ballot required to give the Rev. Barbara C. Harris approval from a majority of the nation's 118 Episcopal bishops.

When she is consecrated Feb. 11 in Boston, Harris will become the first woman bishop elected by a 2.5 million-member church that believes it is the direct successors of Christ's apostles.

clerk."

But critics have said the 58-year-old Harris is too liberal politically, and has no degree from a college or seminary. Some are concerned by her divorce, while conservatives have opposed her election simply because she is female.

The Rev. Andrew Mead, rector of the Church of the Advent in Boston, said he would neither recognize the consecration nor allow Harris to conduct religious services in his parish.

"I'd invite her for tea," Mead said, adding that...

Hand-drawn facsimile

INDEPENDENT

455-67-8000

Mail or bring in the hand-drawn facsimile no age limit, no purchase...

1

Office of the County Attorney

Flathead County

TED O. LYMPUS, County Attorney
JONATHAN B. SMITH, Chief Deputy
DENNIS J. HESTER, Deputy
RANDY K. SCHWICKERT, Deputy
THOMAS J. ESCH, Deputy
EDWARD CORRIGAN, Deputy

Kalispell, Montana 59903-1516

SECRETARY JUDICIAL
#13
2-9-89
SB307

P.O.Box 1516
Second Floor
Justice Center
(406)752-5300 - Ext. 241
or (406)756-5618

February 6, 1989

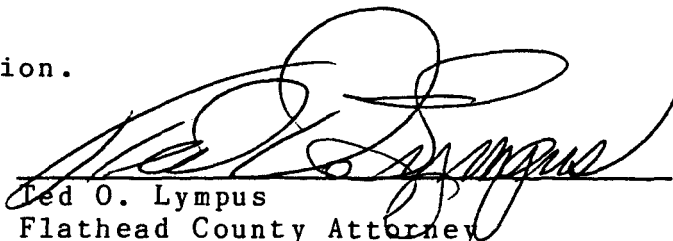
TO WHOM IT MAY CONCERN:

This letter is written in support of proposed legislation which would more stringently restrict both the public dissemination of pornographic materials and live public nude performances than is the case under present law.

In my upwards of fourteen years as a prosecutor, I have observed that in the great majority of crimes involving sexual violence and child molestation (both male and female), the offender was influenced by his exposure to pornographic materials. In addition to my observations, I can safely say that those of others in the law enforcement community have been similar. Finally, I would ask that you recall Ted Bundy's pre-execution declaration concerning the impact of his exposure to pornography upon him and its influence upon his spree of violence.

In conclusion, I earnestly urge favorable consideration of this proposed legislation. In my opinion, pornography is not constitutionally protected expression by any rational interpretation of constitutional law.

Thank you for your consideration.



Ted O. Lympus
Flathead County Attorney

The undersigned, being residents of the State of Montana, would let it be known that we believe that pornography is linked with child abuse, as well as assaults upon women; and men. Because of this we are urging our state Senators and Representatives to vote for strong legislation in the following areas:

1. for a Hard-Core Pornography Law (Obscenity).
2. for a Harmful to Minors Law (restricting access of soft-core pornography to minors in commercial establishments).
3. for a Commercial Nudity Law (prohibiting commercial nude dancing).

NAME	ADDRESS
1. <u>Tom Bolton</u>	<u>601 W. River Rd. D.L.</u>
2. <u>Judy E. Bolton</u>	<u>601 W. River Rd. D.L.</u>
3. <u>Tim D. Bolton</u>	<u>601 W. River Rd. D.L.</u>
4. <u>Dan L. L...</u>	<u>105 CLAGGETT; D.L.</u>
5. <u>Wanda Slaggs</u>	<u>15 CLAGGETT; D.L.</u>
6. <u>Dorrie E. Howeth</u>	<u>712 St. Marys Deer Lodge</u>
7. <u>Nave Howeth</u>	<u>712 St. Marys Deer Lodge MT</u>
8. <u>Karen L. Knorr</u>	<u>609 Montana Ave Deer Lodge mt.</u>
9. <u>Helma J. Taylor</u>	<u>707 Kentucky Deer Lodge MT</u>
10. <u>Wes Taylor</u>	<u>707 Kentucky Deer Lodge MT</u>
11. <u>Marian Struble</u>	<u>708 Washington Deer Lodge</u>
12. <u>Ernie Stubb</u>	<u>708 WASHINGTON Deer Lodge</u>
13. <u>Ken Hoppo</u>	<u>607 Oregon Deer Lodge</u>
14. <u>Lonnie Hoppo</u>	<u>607 Oregon Deer Lodge</u>
15. <u>Daryl Hoppo</u>	<u>603 Oregon Deer Lodge</u>
16. <u>Tannie L. Hoppinger</u>	<u>603 Oregon " "</u>
17. <u>Janice B. Wood</u>	<u>801 W. St. Marys Deer Lodge</u>
18. <u>Kristin K. Crossler</u>	<u>206 Dixon Deer Lodge</u>
19. <u>Marion Wood</u>	<u>702 Missouri Deer Lodge</u>
20. <u>Heraldine Wesener</u>	<u>702 5th St. Deer Lodge</u>
21. <u>Eloise Mariani</u>	<u>1115 Claggett Deer Lodge</u>
22. <u>Robert M. Conner</u>	<u>811 Kentucky " "</u>

N. Carolina - Scott #15

CINEMA I VIDEO, INC. v. THORNBURG
Cite as 358 S.E.2d 383 (N.C. 1987)

SENATE JUDICIARY
N.C. 383
EXH. DT NO. 16401
DATE 2-9-89
BILL NO. SB 307
263
342

It was not necessary that plaintiff present evidence as to the exact temperature inside the radiation suit in order to show an increased risk of overheating. Cf. *McCuiston v. Addressograph-Multigraph Corp.*, 308 N.C. 665, 303 S.E.2d 795 (1983) (claimant need not measure noise level to support claim for hearing loss); *Gay v. J.P. Stevens & Co.*, 79 N.C.App. 324, 339 S.E.2d 490 (1986) (claimant need not measure concentrations of dust and toxins to support claim for occupational disease due to dust and fume inhalation); *Lake v. Midwest Packing Company*, 301 S.W.2d 834 (Mo. 1957) (claimants need not establish exact temperature in workplace to support heat-stroke claim). Evidence that the room temperature was 85 degrees and that plaintiff suffered heat exhaustion while wearing a radiation suit which inhibited his body's ability to radiate heat is sufficient.

We are not persuaded by the Court of Appeals' attempt to distinguish *Fields*. The Court of Appeals places great reliance upon the fact that the claimant in *Fields* labored an entire day in temperatures measuring as high as 104 degrees. A thermometer reading alone is not dispositive in cases of heat-related illness. It is the province of the medical experts, not the appellate courts, to determine whether a room temperature of 85 degrees may be a factor in causing heat exhaustion when all circumstances, including the type of clothing worn, are considered. Cf. *T.J. Moss Tie Co. v. Rollins*, 191 Tenn. 577, 235 S.W.2d 585 (1951) (claimant suffered heat prostration when temperature 85 or 86 degrees; death compensable under test similar to that in *Fields*).

We therefore reverse the Court of Appeals and remand to that court for further remand to the Industrial Commission for reconsideration on the present record in a manner consistent with this opinion.

REVERSED AND REMANDED.

320 N.C. 485
CINEMA I VIDEO, INC. d/b/a
Cinema I Video et al.,

v.
Lacy H. THORNBURG, Attorney
General of the State of North
Carolina, et al.,

NORTH AMERICAN VIDEO, LTD. OF
DURHAM, d/b/a North American
Video, et al.,

v.
Lacy H. THORNBURG, Attorney
General of the State of North
Carolina, et al.,

NORTH CAROLINA ASSOCIATION OF
FAMILY ENTERTAINMENT
CENTER, INC.

v.
Lacy H. THORNBURG.

PARKER NEWS, INC., a North
Carolina Corporation, et al.,

v.
Lacy H. THORNBURG, Attorney
General of the State of North
Carolina, et al.

No. 49A87.

Supreme Court of North Carolina.

July 28, 1987.

Action was brought for declaratory judgment that obscenity laws were unconstitutional. The Superior Court, Wake County, Bailey, J., denied relief and plaintiffs appealed. The Court of Appeals, 83 N.C.App. 544, 351 S.E.2d 305, affirmed. The Supreme Court, Whichard, J., held that North Carolina obscenity laws are not unconstitutional as drawn.

Affirmed.

Obscenity ⇔ 2.5

Act adopted in 1985 to strengthen obscenity laws, protect minors from harmful material that does not rise to the level of



obscenity, and to stop the sexual exploitation and prostitution of minors is not unconstitutional as drawn. G.S. §§ 14-190.1, 14-190.13, 14-190.16, 14-190.17; U.S.C.A. Const. Amends. 1, 5, 8, 9, 14; Const. Art. I, § 27.

On plaintiffs' appeal as a matter of right pursuant to N.C.G.S. 7A-30(1) and (2) of a decision of a divided panel of the Court of Appeals, 83 N.C.App. 544, 351 S.E.2d 305 (1986), affirming a "Judgment and Order" entered by Bailey, J., at the 3 January 1986 Regular Civil Session of Superior Court, Wake County. Heard in the Supreme Court 9 June 1987.

Kirby, Wallace, Creech, Sarda, Zaytoun & Cashwell by David F. Kirby and Robert E. Zaytoun, Raleigh, for plaintiff-appellants Cinema I Video, Inc., et al., North American Video, Ltd., et al. and North Carolina Association of Family Entertainment Centers, Inc.

Whitley, Coley and Wooten by Everette L. Wooten, Jr., Kinston, for plaintiffs-appellants Parker News, Inc., et al.

Laey H. Thornburg, Atty. Gen. by Andrew A. Vanore, Jr., Chief Deputy Atty. Gen., Edwin M. Speas, Jr., Sp. Deputy Atty. Gen., and Thomas J. Ziko, Asst. Atty. Gen., Raleigh, for defendants-appellees.

North Carolina Civil Liberties Union Legal Foundation by William G. Simpson, Jr., Greensboro, and M. Jackson Nichols, Raleigh, amici curiae.

North Carolina Academy of Trial Lawyers, PHE, Inc., and Philip Harvey, Washington, D.C., by David S. Rudolf, Chapel Hill, and Bruce J. Ennis, Washington, D.C., amici curiae.

WHICHARD, Justice.

Plaintiffs brought this declaratory judgment action seeking to have amendments to North Carolina's obscenity laws declared facially unconstitutional and further seeking to enjoin defendants from enforcing the statutes against them. These amendments were enacted on 11 July 1985 as House Bill 1171, entitled "AN ACT TO STRENGTHEN THE OBSCENITY LAWS, TO PRO-

Cite as 338 S.E.2d 383 (N.C. 1987)

TECT MINORS FROM HARMFUL MATERIAL THAT DOES NOT RISE TO THE LEVEL OF OBSCENITY, AND TO STOP THE SEXUAL EXPLOITATION AND PROSTITUTION OF MINORS." This bill amended N.C.G.S. 14-190.1, repealed N.C.G.S. 14-190.2, and added N.C.G.S. 14-190.13, -190.16, and -190.17. These provisions became effective 1 October 1985.

On 30 September 1985 plaintiffs in case 85CVS1796 (Cinema I Video) filed a complaint and motions for injunctive relief from the enforcement of the statutes, naming as defendants North Carolina's Attorney General and the district attorneys for each judicial district of the state. Plaintiffs alleged that because they "are in the business of selling and renting video tapes, including tapes which are sexually explicit, they will be the target of defendants' intended enforcement of N.C.G.S. secs. 14-190.1, 14-190.13, 14-190.16, and 14-190.17." They claimed that these statutes abridge their rights and the rights of their customers under the first, fifth, eighth, ninth, and fourteenth amendments to the United States Constitution and article I, sec. 27 of the Constitution of North Carolina. Plaintiffs further alleged that the amended statutes are vague in their terms and substantially overbroad. Plaintiffs have averred, as irreparable injury, the prospect of severe financial loss or ruin and possible criminal prosecution pending a determination of the case on its merits.

On 2 October 1985 plaintiffs in case 85CVS1796 (Parker News) filed a similar complaint in superior court, Wayne County. Plaintiffs in case 85CVS6850 (North American Video) filed a complaint in superior court, Wake County, on 3 October 1985, and plaintiffs in case 85CVS8071 (North Carolina Family Entertainment Center, Inc.) filed their complaint in superior court, Wake County on 15 November 1985. These cases also challenged the constitutionality of the statutes cited above.

In an order filed 3 October 1985 the temporary restraining orders prayed for in cases 85CVS6750 and 85CVS6850 were issued, pending a hearing on plaintiffs' mo-

tions for preliminary injunctions. The motions for preliminary injunctions were denied, however, on 4 October 1985. Plaintiffs then sought appellate review of the denial of their motions for preliminary injunctions by filing petitions for a writ of certiorari, a writ of supersedeas, and a temporary stay with the Court of Appeals. These petitions were denied, and the actions proceeded in the trial court.

Defendants filed their answers and motions for summary judgment in cases 85CVS6750 and 85CVS6850 on 23 October 1985 and in case 85CVS1796 on 1 November 1985. On 5 November 1985 plaintiff in case 85CVS1796 filed a motion for summary judgment on its prayer for a permanent injunction. This motion was denied.

On 5 December 1985 plaintiffs in case 85CVS1796 made a motion to remove and continue the case in Wake County. The motion was allowed on 20 December 1985. By consent of the parties all four cases were consolidated. In an order filed 13 January 1986, defendants' motions for summary judgment were granted and plaintiffs' complaints were dismissed. Plaintiffs appealed.

The Court of Appeals affirmed the summary judgment holding the statutes constitutional under both the North Carolina and United States Constitutions. Cinema I v. Thornburg, 83 N.C.App. 544, 351 S.E.2d

305 (1987). Judge Beeton concurred in part and dissented in part. Plaintiffs appeal. For the reasons stated in the opinion by Johnson, J., the decision of the Court of Appeals is affirmed. As stated in that opinion, "our opinion is limited to the constitutionality of the statutes as drawn and we have no basis for deciding the constitutionality of the present applications of the statutes in pending cases."

Cinema I Video v. Thornburg, 83 N.C. App. 544, 552, 351 S.E.2d 305, 311 (1986) (emphasis in original). Fact situations are readily conceivable in which the statutes at issue, if improperly applied, would be unconstitutional. Circumspect application is thus advisable. Mere potential for overbreadth is not dispositive, however, "the overbreadth involved [must] be 'substantial' before the statute involved will be invalidated on its face." New York v. Ferber, 458 U.S. 747, 769, 102 S.Ct. 3348, 3361, 73 L.Ed.2d 1118, 1130 (1982). The statutes here, while potentially beyond constitutional bounds if improperly applied, are not so substantially overbroad as to require constitutional invalidation on their face. **AFFIRMED.**



[8] Unlike Radford John Ramones, Kurt Lance Nelson was subjected to questioning more than once. He was initially questioned by Officer Marboho on Christmas Day about harassing calls received by two ministers. Armed with information about threatening calls received by other persons uncovered by the telephone company in the interim, Marboho returned two days later with another officer, and they subjected the defendant to further interrogation. This was hardly "the same interrogation" conducted on Christmas Day. The officers had new information regarding different offenses and it was incumbent upon them to "Mirandize" the defendant again.

Since the statements and other evidence suppressed by the circuit court were procured from the defendant through custodial interrogation in violation of the protections guaranteed by the Hawaii Constitution's privilege against self-incrimination, we affirm the circuit court's order of suppression.¹⁰



STATE of Hawaii, Plaintiff-Appellee,

v.
Brian KAM, Defendant-Appellant

STATE of Hawaii, Plaintiff-Appellee,

v.
Deborah COHEN, Defendant-Appellant

Nov. 11861, 11949.

Supreme Court of Hawaii.
Jan. 8, 1988.

Clerks at adult bookstores were convicted in the Circuit Court of promoting pornographic adult magazines, and they appealed. The Supreme Court, 726 P.2d 268, reversed and remanded. On remand,

10. We do not find it necessary to discuss "the

clerks were convicted in the District Court, First Circuit, Honolulu County, James De-nenberg, J., of promoting pornographic adult magazines, and they appealed. The Supreme Court, Hayashi, J., held that the clerks at adult bookstores had standing to assert privacy rights of their customers to purchase sexually explicit adult material, and (2) statute prohibiting promotion of pornographic adult magazines infringed on customers' right to privacy under State Constitution.
Reversed.

1. Constitutional Law §42(3)(1)

Clerks at adult bookstores who were being prosecuted for promoting pornographic adult magazines had standing to assert privacy rights of persons wishing to buy pornographic material. U.S.C.A. Const.Amend. 1; Const. Art. 1, § 6.

2. Constitutional Law §90(4)(1)

State may not prohibit individual from possessing or viewing pornographic materials in privacy of his or her own home. U.S.C.A. Const.Amend. 1; Const. Art. 1, § 6.

3. Constitutional Law §18, 82(7)

Hawaii Constitution affords not greater privacy rights than federal right to privacy, and Hawaiian Supreme Court is thus not bound by United States Supreme Court precedents, but may give broader privacy protection than that given by Federal Constitution. U.S.C.A. Const.Amend. 1; Const. Art. 1, § 6.

4. Constitutional Law §82(1)(10)

Personal decision to read or view pornographic material in privacy of one's home is entitled to protection under Hawaii Constitution against government interference. Const. Art. 1, § 6.

5. Constitutional Law §48(1, 3)

Every enactment of legislature is presumptively constitutional, and party challenging statute has burden of showing it is unconstitutional beyond reasonable doubt.
"fruit of the poisonous tree" doctrine.

6. Constitutional Law §82(1)(10)

Obecenity §2-5
Statute prohibiting promotion of pornographic adult magazines violated purchaser's right under State Constitution to use home items in privacy of their homes. HNS § 712-1214(1)(a); Const. Art. 1, § 6.

Syllabus by the Court

1. freedom of speech and of the press
2. a general

1. A penal statute is vague if a person of ordinary intelligence cannot obtain an adequate description of the prohibited conduct or how to avoid committing illegal acts. Overbreadth occurs if the proscribed statute proscribes illegal as well as protected First Amendment conduct.

2. Although the question of standing was not raised by the parties, appellate courts are under an obligation to insure that they have jurisdiction to hear and determine each case.

3. As the ultimate judicial tribunal with final, unreviewable authority to interpret and enforce the Hawaii Constitution, we are free to give broader privacy protection than that given by the federal constitution.

4. The Hawaii Constitution must be construed with due regard to the intent of the framers and the people adopting it. The fundamental principle in interpreting a constitutional provision is to give effect to that intent.

5. A compelling state interest must exist before the government may intrude into those certain highly personal and intimate affairs of a person's life. The personal decision, therefore, to read or view pornographic material in the privacy of one's home must be afforded the protection of the Hawaii Constitution article 1, section 6 from government interference.

6. The Hawaii State Constitution article 1, section 6, demands the showing of a
7. In an earlier appeal, we vacated Appellant's convictions because of the trial court's failure to follow instructions on the necessity for the jury to determine the prevailing community standards on obscenity. Appellants had also challenged the constitutionality of HNS

compelling state interest. Therefore, unless the State can point to a compelling government interest, the right to privacy is infringed upon by the prohibition against the sale of sexually explicit adult material. Since a person has the right to view pornographic items at home, there necessarily follows a correlative right to purchase such materials for this personal use, or the undenyng privacy right becomes meaningless.
8. Every enactment of the Hawaii Legislature is presumptively constitutional, and the party challenging a statute has the burden of showing the alleged unconstitutionality beyond a reasonable doubt.

Jack F. Schweigert, Honolulu (Myer C. Symonds with him on the briefs), for defendants-appellants.
Edward C. Kemper and Daniel R. Foley, for American Civ. Liberties Union of Hawaii, Honolulu, on amicus curiae brief.
Lila B. Leduc, Deputy Pros. Atty., Honolulu, for plaintiff-appellee.

Before LUM, C.J., and PADGETT, HAYASHI, WAKATSUKI, J., and Intermediate Court of Appeals Associate Judge HARRY T. TANAKA, in place of NAKAMURA, J., Recused.

HAYASHI, Justice.
Defendants-Appellants Brian Kam and Deborah Cohen (collectively "Appellants") appeal their convictions for promoting pornographic adult magazines under Hawaii Revised Statutes (hereinafter "HRS") § 712-1214(1)(a) (1986).¹ At trial, Appellants had presented experts plus public opinion surveys to prove that the magazines were not obscene, but Plaintiff-Appellee State of Hawaii (hereinafter "State") had introduced only the magazines to show that the explicit sexual content was pornographic. Appellants contend that 1) HNS

§ 712-1214(1)(a) on vagueness, overbreadth, and privacy grounds, but we declined to rule on those issues then and instead remanded the case for a new trial. See *State v. Kam*, 68 Haw. 726 P.2d 263 (1986).

STATE v. HENRY
Cite as 732 P.2d 9 (Or. 1987)

DATE _____ Or. 9

BILL NO. _____

302 Or. 510

1510 STATE of Oregon, Petitioner
on Review,

v.

Earl A. HENRY, Respondent
on Review.

CC 31-300; 31-301; CA A26439;
SC S32941.

Supreme Court of Oregon.

Argued and Submitted Oct. 8, 1986.

Decided Jan. 21, 1987.

Defendant was convicted in the Circuit Court, Deschutes County, John N. Copenhaver, J., of dissemination of obscene material, and he appealed. The Court of Appeals, 78 Or.App. 392, 717 P.2d 189, reversed, and appeal was taken. The Supreme Court, Jones, J., held that obscene expression is protected speech under Oregon Constitution, and thus, statute making dissemination of obscene material a crime is unconstitutional.

Affirmed.

Obscenity ⇔ 2.5

Statute making dissemination of obscene material a crime is unconstitutional, as obscene expression does not fall within any historical exception to plain wording of Oregon Constitution that no law shall be passed restraining expression of speech freely on any subject whatsoever; disagreeing with *Roth v. United States*, 354 U.S. 476, 77 S.Ct. 1304, 1 L.Ed.2d 1498; *Chaplinsky v. New Hampshire*, 315 U.S. 568, 62 S.Ct. 766, 86 L.Ed. 1031; rejecting *State v. Jackson*, 224 Or. 337, 356 P.2d 495. Const. Art. 1, § 8.

Stephen F. Peifer, Asst. Atty. Gen., Salem, argued the cause for petitioner on review. Dave Frohnmayer, Atty. Gen., James E. Mountain, Jr., Sol. Gen., and Virginia L. Linder, Asst. Sol. Gen., Salem, filed the petition for review.

Timothy J. Sercombe, of Harrang, Swanson, Long & Watkinson, Eugene, and Rex Armstrong, Portland, argued the cause for respondent on review. On the response to the petition for review with Mr. Armstrong was Edward E. Hill, of Larry O. Gildea, P.C., Eugene.

Before PETERSON, C.J., and LENT, LINDE, CAMPBELL, CARSON and JONES, JJ.

1512 JONES, Justice.

Shortly after defendant Earl Henry opened an adult bookstore in Redmond, Oregon, a search warrant was issued by a Deschutes County district judge which resulted in the seizure of almost the entire inventory of the store, including 73 magazines, 142 paperback books, seven newspapers, nine films, one film projector, six decks of playing cards, an additional six periodical magazines, and various business records. Defendant was charged with disseminating obscene material and possession of obscene material with the intent to disseminate under ORS 167.087, which provides in pertinent part:

"(1) A person commits the crime of disseminating obscene material if the person knowingly makes, exhibits, sells, delivers or provides, or offers or agrees to make, exhibit, sell, deliver or provide, or has in his possession with intent to exhibit, sell, deliver or provide any obscene writing, picture, motion picture, films, slides, drawings or other visual reproduction.

"(2) As used in subsection (1) of this section, matter is obscene if:

(a) It depicts or describes in a patently offensive manner sadomasochistic abuse or sexual conduct;

(b) The average person applying contemporary state standards would find the work, taken as a whole, appeals to the prurient interest in sex; and

(c) Taken as a whole, it lacks serious literary, artistic, political or scientific value."

Opposed

SENATE JUDICIARY

EXHIBIT NO.

Adelphi

DATE

2-9-89

FILE NO.

SB 307 etc

2/4/89

Dear Senate Judiciary Committee members,

I recently read that Senator S. Hoffman had introduced SB 307 which would ban all exhibition or dissemination of obscenity. I urge you to vote against this bill.

What is obscenity? Is it, for example, the depiction of a violent rape? Perhaps, but wouldn't that make the excellent anti-rape movie "The Accused" illegal? What if it were part of a women's self defense class? Would this exhibition be banned.

Who would rule on what is obscene? In South Africa upstanding, educated white people consider interracial marriage obscene. In this country many people considered "The Last Temptation of Christ" to be obscene. In some places advocating the buildup or use of military weaponry to be obscene. No doubt, in some places, capitalism is considered obscene. Can you guarantee that people with different thoughts on obscenity than yours will never be in a position to administer this law?

A free society requires free speech. The price of free speech is having to tolerate a certain amount of garbage. Of course,

②

there is material that has no value to society. However, do we really want the government determining what has value and what doesn't? Wouldn't such a move be a step towards totalitarianism?

The answer to unsavory speech is to keep it in the open where it can be examined, discussed, attacked, and discarded for the trash that it is. All opportunity for contradicting destructive material is lost, though, when it becomes a black market item. Please vote against SB307.

Sincerely,
Butch Turk
514 Sherwood St.
Missoula, MT
59802

P.S. I just read that senator S. Hoffman has introduced an apparently related bill, SB342. I hope you will vote against this bill, also. Under it, it seems you could ban many Sat. morning violent TV shows. Most experts feel these may be "harmful" to children, too. Do you really want to get into that. Let's let parents control their kids input, not government.

Closing
Statement

Take a real good
look at the amendments
We know what they want to do
make sure it will not meet
Constitutional requirements

5132 gross of Porn
7% direct into sex on
a heterosexual basis

SENATE BILLS 263, 307 AND 342

Senator Sam Hofman

Mr. Manual says it is
SENATE JUDICIARY
EXHIBIT NO. 16 P.1
DATE 2-9-89
BILL NO. SIB 307

Pornography erodes the moral values of our society. It contributes to an ever increasing number of sexual assaults against children and women and is far different from the "Girlie" magazines so many of us think occupy our newsstands.

We know that child sexual abuse rose by 175 percent between 1981 and 1985. We know the rape rate in the United States has increased more than 700 percent since 1933. We are aware of studies that reveal that 77 percent of child molesters of girls admitted initiating the sexual behavior they had seen in pornographic displays. We have been told of a Michigan State Police study which demonstrated that of 38,000 sexual assault cases on file in Michigan 41 percent involved pornography just prior to the act or during the act. We know of a study released by the University of New Hampshire in 1984 that showed that the states with the highest readership of pornographic magazines also had the highest rape rates. And we know of Ted Bundy's admission that pornography fueled his murderous rages.

How much more scientific data do we need before we believe what our common sense has been telling us all along? The evidence is in and it is overwhelming. The experts, such as Doctor Victor Cline, have made it clear: pornography is highly addictive; as time goes on rougher and rougher material is necessary to get a sexual high; gradually what was once awful and shocking becomes acceptable and commonplace; and then those who look at pornography begin to do the things they have seen.

There are times when I ask myself "what has happened to us?" Why are so many of our young people doing and getting involved in so many terrible things? Why are they rushing to sell themselves into bondage? Why are they so bent on destruction?

Maybe the answer to those questions is what Plato said three centuries before Christ when he remarked: "What is honored in a country will be cultivated there."

What is it that we honor in this country?

In 1985 pornographers in America made 8 billion dollars - more than the legitimate film and record industries combined. Up to 20,000 "adult" bookstores and 14,000 video

cassette suppliers feed the hunger for more. More than 400 porno magazines appear annually catering to a growing market for kiddie-porn, sadomasochism, incest and Nazi-porn. And 80 percent of the retail porn industry is owned by organized crime.

What is it that is being cultivated in this country?

Are we providing a lesson in First Amendment principles or conditioning a whole generation with ~~slasher~~ *sexually violent* films that bombard their consciousness with alternating erotic and sadistic images that ultimately lead to pain and difficulty for so many of our sons and daughters.

The time to stop this shameful mess cannot be put off any longer. We have fought for our way and quality of life with much less evidence to indicate its peril than that which threatens so many of those among us because of the spread of pornography.

~~We cannot let this cup pass. I hope and pray you will look upon this legislation favorably.~~

*Constitutionality
test under
1st Amendment
any person
intend*

WE AS LEGISLATORS, HAVE THE RESPONSIBILITY OF PASSING LAWS GIVING THE PEOPLE, THROUGH THEIR LAW ENFORCEMENT AGENCIES AND PROSECUTORS THE TOOLS THAT THEY NEED TO MAKE MONTANA A CLEAN, PURE, AND SAFE PLACE TO WORK, PLAY AND LIVE IN PEACE.

WE CANNOT LET THIS CUP PASS. ~~WE~~ HOPE AND PRAY THAT YOU WILL PASS THIS LEGISLATION.

Judiciary

VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One	
			Support	Oppose
REV. STEVE CARLSON	LUTHERAN CHURCH - MISSOURI SYNOD	263 342 307	X	
LEN MUNSIL	LEGAL COUNSEL, C.D.L.	263 342 307	X	
RUSS OSENBACH	DIST 85 JUVENILE PROBATION	263 307	X	
Aubyn Curtiss	Self - former Rep Dist 20	342 263 307	X	
John Johnson	Montana Catholic Conference	263 307 342	X	
Don Johnson	Mt. Citizen for Democracy - Mala	263 307 342	X	
William L. Moore	Mt. Citizen for Democracy Southern Districts	263 307 342	X	
Sharon Hunter		263 307 342	X	
Tom McGillivray	MCRL - YC 1	263 307 342	X	
Randy Vogel	Billings Police	263 307 342	X	
Gayle Padon	Libby	263 307	X	
Tracy M. Graham	Libby	342 263, 307	X	
DON NELSON	KALISPELL	342, 263 307	X	
Lloyd Reinstein	Libby	342-263 307	X	
Maac Cramer	HELENA	342-263 307	X	
Bill Edwards	NORTHWEST INDIAN BIBLE SOCIETY	263-342 307	X	
Ronald W. LaFollette	Albertone mounts	342-363 307	X	
Bess Paul Taylor	Wesleyan Methodist - Missoula	342-363 307	X	
Carl Smith	Serg - LDS Church	342-263 307	X	
Emerson J. Lebiec	Hannaford St. Basil church.	342-263 307	X	
Daniel E. Engstrom	"	342-263 307	V	
Dean Engstrom	"	342-263 307	X	
Victor J. Bag	Helena Church of the Nazarene	342-263 307	X	
William C. Howard	"	342-263 307	X	
Deborah Henrie	LDS Church	342-263 307	X	
Charles R. Brooks	Myself - Billings, MT	342-263 307	X	

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Testifying Proponents

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NAME	REPRESENTING	Comp #	Testimony	
			Exhibitor	Topic Area
Sharon Hunter	self			
Mardene Darge	self			
Ann L. Keating	self			
Betty Luff	self			
Lucas Quinlan	self			
Mandi Flynn	"			
John Hill	Helena Middle School			
Carrie Dodson	Helena Middle School			
John Adams	School			
Joe Paulsen	Helena Middle School			
Marvin Barker	Big Timber			
Patricia Hoffman	Big Timber			
Debra Barber	Big Timber			
Steve Mathewson	self / Independent Church of Christ			
Dale Cook	Hannibal St. Baptist Church			
Carol Crosby	Hannibal St. Baptist Church			
Laura Ayers	self / Hannibal St. Baptist Church			
Woodington	"			
Clive B. Rice	607 W. Ewing Helena			
Robert H. Rice	self			
Sheila Carter	Montana State Library			
Cathy Anderson	206 W. Lawrence Helena			
Markel Bryan	416 Green St. Helena MT			
John W. Pearson	5666 Garage Rd Helena MT			
William	204 1/2 W. 1st Helena			
Billie Markland	#633 2nd Helena MT			

Hearstying Proponents

~~Opponents~~

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263,342,307

NAME	REPRESENTING	Hamp #	Testimony	
			Exhibits	Topics
Frankly Wombold	416 Graham Helena			
Bob Womson	801 W. WASHINGTON ST			
Dennis Shelly	Rte 55 Dulles Rd Clancy			
Treva Burdick	120 Mountain Club Ave			
A. Reichman	5755 LeGrand Ln			
Shy Markland	3000 Willard number 63			
Walter Farrell	3425 E. H. ...			
Ron ...	300 N. Slope RD			
Ryan ...	1201 W. WASHINGTON ST			
Dugan Kelley	110 LeGrand			
Bob ...	7835 Hwy 12 - 2007			
Barbara Mitchell	6041 Longpine Rd.			
Jess. Graham	Canyon Creek 59600			
Ryan ...	522 Madison Ave.			
Walt ...	535 Hwy 12 W.			
Began Kelley	1330 LeGrand Canyon			
Maria ...	7535 Hwy 12 W.			
Dawn DeToro	822 Madison AVE.			
Ann ...	416 Graham Helena, mt			
Tom ...	416 Graham Helena, mt			

VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One	
			Support	Oppose
TERRY CROOKS	Montana Citizens for Decoy	307 342 263	X	
Robert Scott	ACLU of Montana	307 342 263		X
Robert Scott	Self	307 342 263		X
WALTER F. JAKOVICH	Self	263 307 342		X
Mignon Waterman	Mt. Assoc. of Churches	263, 307 342	X	
Jon D. Berg	Self	263 307 342	X	
Jack P. Stapp	self	263, 307 342	X	
Patty Carrell	Pro-Family Women's Lobby	263, 307 342	✓	
Opus A. Conner	Self- Gateway Church	263, 307 342	X	
Lyle R. Benson	Evangelical Covenant Church	263 307 342	X	
Paul	Christia Reformed Church	263, 307 342	✓	
Mark Mozer	Mt Citizens Dec	263 307 342	✓	
M.L. SWANN	HARVARD ST BAPTIST			
Bryan Asay	Mt. Family Coalition	263, 307 342	X	
Donna Vandewater	Pro Family Women's lobby	263, 307 342	X	
Jill Guthrie	Pro Family Women's lobby	263, 307 342	X	
Maurice Durkee	Montana Tavern			
Bob Durkee	Assn	# 263	X	With Ambrose
Philip Strope				

(Please leave prepared statement with Secretary)