

ALASKA LEGISLATURE COMMITTEE FILES 1903-1904 00/2

2541 SJ HB 126 - HB 128

sidered to be a guest.⁴⁰

Once a passenger's status as a guest has been established, recovery is denied unless the driver's injury-causing conduct amounted to "wanton or wilful misconduct." Wilful misconduct primarily encompasses situations where a court finds that the driver "intentionally performed the dangerously injurious act or that he had a design to cause the injury."⁴¹ Wanton misconduct refers to situations where a driver consciously operates his vehicle with a reckless indifference to the safety of his guests.⁴² Where a court concludes that a driver's conduct amounted to either wanton or wilful misconduct, an injured guest is permitted to bring suit against the driver.

The Indiana guest statute has been challenged as being unconstitutional in that the statute creates two classifications of passengers--guest and non-guests--who are treated differently with respect to the right to recover from host drivers. In Sidle v. Majors,⁴³ however, the Indiana Supreme Court upheld the constitutionality of the statute.⁴⁴ The court reasoned that the Indiana legislature had enacted the statute to promote driver hospitality, to prevent collusion against insurance companies, and to prevent the escalation of liability insurance premiums by insurance companies forced to pay out excessive verdicts to

quest passengers.⁴⁵ The accomplishment of these policies, the court concluded, tended to justify the different treatment accorded guests and non-guests by the statute.

Reviewing the Indiana Supreme Court's decision in Sidle v. Majors, the Seventh Circuit Court of Appeals flatly disagreed that the Indiana guest statute accomplished any of the goals identified by the Indiana court.⁴⁶ The Seventh Circuit accordingly indicated its belief that the Indiana guest statute violated the federal equal protection clause. Notwithstanding this conclusion, however, the Seventh Circuit concluded that it was bound to affirm the Indiana Supreme Court's decision upholding the statute pursuant to federal procedural rules.⁴⁷ The United States Supreme Court declined to review the Seventh Circuit's decision.⁴⁸ Accordingly, drivers in Indiana continue to enjoy the protection afforded by the Indiana guest statute.

C. The Present Status of Guest Laws In the Midwestern States

Eight of the 11 midwestern states--Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Ohio, and Wisconsin--have enforced guest laws at some time.⁴⁹ Minnesota, Missouri, and Tennessee have never created guest laws.⁵⁰

Indiana is the only midwestern state which currently retains a guest law substantially as originally enacted. Illinois, in a 1971 amendment, modified its guest statute so

that the statute now applies only to hitchhikers.⁵¹ All other Illinois guest passengers are entitled to bring suit against their host for ordinary negligence.

In direct contrast to Indiana, the state supreme courts of the remaining midwestern states which once enforced guest laws have all held these laws to be unconstitutional.⁵² These courts have concluded that the guest/non-guest classification created by their respective guest statutes violates state and federal equal protection of the laws guarantees. Applying the traditional equal protection analysis, these courts generally found that the prohibition of guest passenger suits did not suitably further the stated objective of guest statutes, i.e., promoting driver hospitality and preventing collusive lawsuits.

Commenting on the promotion of hospitality rationale, the Michigan Supreme Court has flatly rejected any notion that the presence or absence of a guest statute would affect a driver's decision to offer a ride to another:⁵³

In point of fact, the presence or absence of a guest statute does not affect the decision of friends and relatives to ride together in an automobile. Drivers may hesitate to pick up hitchhikers, but not because of potential liability for negligence, ordinary or gross. Friends and relatives offer, seek, accept, or decline rides with each other for reasons quite apart from the ability to recover for negligently inflicted injury, death or loss. It is only after the fortuitous

event of an accident that the existence of the statute becomes known to most people. The absence of a guest passenger statute would not chill hospitality or group transportation any more or less than its existence promotes such activity.

Other courts have pointed to the widespread availability of automobile liability insurance as puncturing the promotion of hospitality rationale:⁵⁴

We . . . reject the thesis that a guest passenger's lawsuit against his host constitutes the epitome of ingratitude and as such ought to be condemned. . . . This argument is not persuasive because widespread liability insurance has largely eliminated any notion of "ingratitude" that may once have adhered to a guest's suit against his host and also because the deprivation of a guest's redress for negligence cannot rationally be justified by a desire to promote hospitality. . . .

. . . .

. . . The overwhelming majority of the automobile drivers in Kansas today have liability insurance. Furthermore the modern trend is to make mandatory insurance coverage for all owners of motor vehicles. This is one of the basic concepts of no fault legislation which has been enacted or is being considered in practically every state in the nation today. Hence it is clear to us that the "hospitality" argument first advanced in 1930, has no validity under the facts of life as they exist today.

The courts typically rejected the prevention of collusion rationale on grounds of the unreasonableness inherent in barring all guest claims merely because of the

possibility that some might be fraudulent:⁵⁵

We further hold that the "collusion prevention" justification does not provide a sufficient basis for the statute's wholesale elimination of all automobile guests' causes of action for negligently inflicted injuries. The theory behind the "collusion" argument appears to be that the driver who gives a free ride to a passenger does so because of a close relationship with his guest; because of the presumed closeness of this relationship, the driver may falsely admit liability so that his guest may collect from the driver's insurance company. To combat this risk of potential fraud, the guest statute eliminates all causes of action in negligence for automobile guests. We believe that it is unreasonable to eliminate causes of action of an entire class of persons simply because some undefined portion of the designated class may file fraudulent lawsuits.

As the foregoing discussion indicates, the number of guest laws existing in the midwestern states has declined dramatically in the last 12 years. Indeed, Indiana at present stands alone among the midwestern states in prohibiting ordinary negligence suits by all guest passengers against host drivers.

III. Conclusion

No state has enacted a guest statute or created a guest law since 1939.⁵⁶ Although more than one-half of the states enforced guest laws at one time, only Indiana and five other states at present prohibit all ordinary negli-

tionality of the statute to be "fairly debatable" and thereupon deferred to the legislature in accordance with Delaware principles of judicial restraint).

4. Indiana

- Ind. Code Ann. § 9-3-3-1 (Burns 1973) [1929]; Sidle v. Majors, 264 Ind. 206, 341 N.E.2d 763, aff'd, 536 F.2d 1156 (7th Cir.), cert. denied, 429 U.S. 945 (1976) (the Indiana Supreme Court upheld the constitutionality of the statute; the Seventh Circuit Court of Appeals indicated its belief that the statute was unconstitutional but was constrained to affirm the Indiana Supreme Court's decision pursuant to principles of federal procedural law).

5. Utah

- Utah Code Ann. § 41-9-1 (Supp. 1981) [1935]; Critchley v. Vance, 575 P.2d 187 (Utah 1978) (upholding statute against constitutional attack; Justice Wilkins and Justice Maughan dissented, finding the statute to be unconstitutional; Justice Wilkins also suggested that the statute had been impliedly repealed by Utah's no fault legislation, 575 P.2d at 189, Wilkins, J., and Maughan, J., dissenting).

B. States Retaining Judicial Guest Rule (1)

Georgia

- Epps v. Parrish, 26 Ga. App. 292, 106 S.E. 297 (1921) (creating Georgia guest rule by decision); Pickford v. Nolen, 240 Ga. 255, 240 S.E.2d 24 (1977) (upholding guest rule against constitutional attack; Justice Hall in dissent conceded that the rule was constitutional but urged that it be overruled on public policy grounds, 240 S.E.2d at 28, Hall, J., dissenting).

In 1980 the Georgia Legislature passed a bill abolishing the Georgia guest rule. See S.B. 557, 1980 Ga. Legislature. As one commentator has reported, however, the Georgia governor vetoed the bill: "It is encouraging to note that in the session just past, the Georgia legislature enacted a bill that would have abolished Georgia's guest rule. . . . It is unfortunate that Governor Busbee vetoed this legislation on April 9, 1980. The reason given for the veto was that the governor thought that in this time of energy shortage, legislation should not be enacted that would in any way discourage drivers from sharing their automobiles with others." Comment, "Treatment of Guest Passengers: Georgia Maintains Its Minority

Rule," 31 Mercer L. Rev.
1061, 1068-69 (1980)
(footnote omitted).

C. States Retaining Modified Guest Statutes (4)

1. Illinois - Ill. Ann. Stat. ch. 95
1/2, § 10-201 (Smith-Hurd
1980) [1935] (restricted
to hitchhikers by a 1971
amendment).
2. Nebraska - Neb. Rev. Stat. § 39-6,
191 Supp. 1981) [1931]
(amended in 1981 to re-
strict statute's applica-
tion to certain relatives
of the driver).
3. Texas - Tex. Rev. Civ. Stat. Ann.
art. 6701b (Vernon 1977)
[1931] (amended in 1973 to
restrict statute's appli-
cation to certain rela-
tives of the driver).
4. Virginia - Va. Code Ann. § 8-646.1
(1957) [1938] (amended in
1974 to permit guest
passengers a cause of
action for ordinary
negligence).

D. States in Which Guest Statutes Have Been Repealed
by the Legislature (9)

1. Colorado - Colo. Rev. Stat.
§ 42-9-101 (1973) [1931]
(repealed in 1975).
2. Connecticut - 1927 Conn. Pub. Acts 4404
(1927) [1927] (repealed in
1937).
3. Florida - Fla. Stat. Ann. § 320.59
(West 1968) [1937]
(repealed in 1972).

4. Massachusetts - Mass. Gen. Law Ann. ch. 231, § 85 L (West Supp. 1981) (overruling guest rule created by the court in Mazzolotti v. Fitzroy, 218 Mass. 487, 118 N.E. 108 (1917)).
 5. Montana - Mont. Code Ann. § 32-1113 (1961) [1931] (repealed in 1975).
 6. Oregon - Or. Rev. Stat. § 30.115 (1979) [1921] (repealed in 1961 with respect to automobile passengers).
 7. South Dakota - S.D. Codified Laws Ann. § 32-34-1 (1976) [1933] (repealed in 1978).
 8. Vermont - Vt. Stat. Ann. tit. 23, § 1491 (1967) [1929] (repealed in 1969).
 9. Washington - Wash. Rev. Code Ann. § 46.08.080 (1970) [1933] (repealed in 1974).
- E. States Judicially Abolishing Guest Statute or Rule (12)
1. California - Cal. Veh. Code § 17158 (West 1971) [1929] (declared unconstitutional in Brown v. Merlo, 8 Cal. 3d 855, 506 P.2d 212 (1973). In order to harmonize the statute with the Brown decision, the legislature in a 1973 amendment made the statute inapplicable to guests).
 2. Idaho - Idaho Code § 49-1401 (1980) [1931] (declared unconstitutional in Thompson v. Haqan, 96

- Idaho 19, 523 P.2d 1365 (1974)).
3. Iowa - Iowa Code Ann. § 321.404 (West Supp. 1979) [1927] (declared unconstitutional in Bierkamp v. Rogers, 293 N.W.2d 577 (Iowa 1980)).
4. Kansas - Kan. Stat. Ann. § 8-122b (1975) [1931] (declared unconstitutional in Henry v. Bauder, 213 Kan. 751, 518 P.2d 362 (1974) and repealed to conform with Henry decision in 1974).
5. Kentucky - 1930 Ky. Acts ch. 85 [1930] (declared unconstitutional in Ludwig v. Johnson, 243 Ky. 533, 49 S.W.2d 347 (1932)).
6. Michigan - Mich. Comp. Laws Ann. § 257.401 (1977) [1929] (guest passenger exception declared unconstitutional in Manistee Bank & Trust Co. v. McGowan, 394 Mich. 655, 232 N.W.2d 636 (1975)).
7. Nevada - Nev. Rev. Stat. § 41.180 (1977) [1933] (declared unconstitutional in Laakonen v. Eighth Judicial District Court, 91 Nev. 506, 538 P.2d 574 (1975), and repealed in 1977 to conform to Laakonen decision).
8. New Mexico - N.M. Stat. Ann. § 64-24-1 (1953) [1935] (declared unconstitutional in McGeehan v. Bunch, 88 N.M. 308, 540 P.2d 238 (1975), omitted from current code).

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9. North Dakota - N.D. Cent. Code § 3, 15
(1980) [1931] (declared
unconstitutional in
Johnson v. Bassett, 217
N.W.2d 771 (N.D. 1974),
and repealed in 1979).
10. Ohio Ohio Rev. Code Ann.
§ 4515.02 (Page 1973)
[1933] (declared unconsti-
tutional in Primes v.
Tyler, 43 Ohio St. 2d 195,
331 N.E.2d 723 (1975)).
11. South Carolina - S.C. Code Ann. § 15-1-290
(Law. Co-op. 1976)
(declared unconstitutional
in Ramey v. Ramey, 273
S.C. 680, 253 S.E.2d 883,
cert. denied, 444 U.S.
1078 (1979)).
12. Wisconsin - McConville v. State Farm
Mutual Automobile Insur-
ance Co., 15 Wis. 2d 374,
113 N.W.2d 14 (1962)
(overruled Wisconsin quest
rule created by the
court's decision in O'Shea
v. Lavoy, 175 Wis. 456,
185 N.W. 521 (1921)).
13. Wyoming - Wyo. Stat. § 31-5-1116
(1977) (declared unconsti-
tutional in Nehring v.
Russel, 585 P.2d 67 (Wyo.
1978)).

F. States Which Have Never Enacted or Judicially
Created a Guest Law

- | | |
|----------------|--------------------|
| 1. Alaska | 10. New Hampshire |
| 2. Arizona | 11. New Jersey |
| 3. Hawaii | 12. New York |
| 4. Louisiana | 13. North Carolina |
| 5. Maine | 14. Oklahoma |
| 6. Maryland | 15. Pennsylvania |
| 7. Minnesota | 16. Rhode Island |
| 8. Mississippi | 17. Tennessee |
| 9. Missouri | 18. West Virginia |

FOOTNOTES

¹These states "follow the common law and treat an automobile passenger like any other plaintiff, *i.e.*, the driver is responsible for his ordinary negligence that causes an injury to the passenger." Note, "Treatment of Guest Passengers: Georgia Maintains Its Minority Rule," 31 Mercer L. Rev. 1061, 1062 (1980).

²Although payment by a passenger is not always conclusive on the issue of his status as a guest, virtually all jurisdictions agree that a paying passenger is not a guest as a general rule. 5 Blashfield Automobile Law and Practice § 212.10 at 130-32 (3d ed. 1966).

³This standard varies from state to state but all guest law states require some form of aggravated misconduct greater than ordinary negligence as a prerequisite to a host driver's liability. Compare Epps v. Parrish, 26 Ga. App. 399, 106 S.E. 297 (1941) (guest can recover only when host is guilty of gross negligence), with Ala. Code § 32-1-2 (1975) (guest can recover only when the host is guilty of willful or wanton misconduct).

⁴In the majority of states having guest laws, the laws were created by legislative enactment. Courts in a few states, however, in the absence of a guest statute, have created "guest rules" by judicial decision. See, *e.g.*, Epps v. Parrish, *supra*, 106 S.E. 297.

⁵See infra text accompanying notes 18-25.

⁶See infra text accompanying notes 26-29.

⁷One commentator described this impact as follows:

A few years ago there were none. Now they are everywhere; moving in every direction, quicker almost than sight, myriads in number, rushing, crashing, killing. What is more, they have evidently come to stay. Their uses are too strong to admit of any contemplation of doing without them. . . . The menace from negligence in their use has constantly increased.

Allen, "Why Do Courts Coddle Automobile Indemnity Companies?" 61 Am. L. Rev. 77, 77 (1927).

⁸See Note, "Alabama's Automobile Guest Statute: Edsel Lives!" 33 Ala. L. Rev. 143, 145 (1981).

⁹Brown v. Merlo, 8 Cal. 3d 855, 506 P.2d 212, 218 (1973). See "Report of the Casualty Committee," 2 Ins. Counsel J. 15 (1935).

¹⁰Note, "The Present Status of Automobile Guest Statutes," 59 Cornell L. Rev. 659, 664 (1974) (footnotes omitted). See Dobbs v. Sugioka, 117 Colo. 218, 185 P.2d 784, 785 (1947) (stating that guest statutes were enacted to protect drivers from "'hitchhikers' and 'bums' who sought to make profit out of soft-hearted and unfortunate motorists").

¹¹W. Prosser, Handbook of Law of Torts § 34 at 187 (4th ed. 1971).

¹²Although other rationales have been suggested, see infra, text accompanying note 45, the promotion of hospitality and the prevention of collusion are most frequently identified as the policies guest laws were designed to promote. See Note, supra, 59 Cornell L. Rev. at 663-65; Brown v. Merlo, supra, 506 P.2d at 218.

¹³See 1927 Conn. Pub. Acts 4404, ch. 308, §§ 1-2 (1927) [repealed in 1937]; 1927 Iowa Acts 112, ch. 119, § 1 (1927).

¹⁴See Note, supra, 33 Ala. L. Rev. at 143 n.4; Note, supra, 31 Mercer L. Rev. at 1061 n.1.

¹⁵Georgia, Wisconsin and Massachusetts have at some time enforced guest laws created by judicial decision.

¹⁶Note, supra, 59 Cornell L. Rev. at 660.

¹⁷See, e.g., Crawford v. Foster, 110 Cal. App. 81, 293 P. 841 (1930); Weber, "Guest Statutes," 11 U. Cin. L. Rev. 24 (1937).

¹⁸Silver v. Silver, 108 Conn. 371, 143 A. 240, 242 (1928), aff'd, 280 U.S. 117 (1929).

¹⁹Silver v. Silver, 280 U.S. 117 (1929). The Court found that the statute had been enacted to eliminate the

"vexatious litigation" generated by automobile guest cases and found this goal to be "a permissible legislative object." Id. at 122. Hence the Court rejected the equal protection challenge. The Court did not address the distinction between paying and non-paying passengers, however, but rather decided the case on the distinction "between gratuitous passengers in automobiles and those in other classes of vehicles." Id. at 123. Subsequent courts, declaring guest statutes unconstitutional, would distinguish Silver on this basis:

Over 40 years ago, in Silver v. Silver (1929) 280 U.S. 117, 50 S.Ct. 57, 74 L.Ed. 221, the United States Supreme Court did uphold the constitutionality of a Connecticut automobile guest statute in the face of an equal protection challenge. In Silver, however, the plaintiff had attacked the statute solely on the ground that the distinction drawn between automobile guests and guests in other conveyances was impermissible; in rejecting this argument, the Supreme Court did not consider the reasonableness of the two additional statutory distinctions-- between "guests" and paying passengers and between different categories of automobile guests-- which are attacked in the instant case.

Brown v. Merlo, supra, 506 P.2d at 217-18 n.4.

²⁰Conn. ch. 308, §§ 1-2 [1927] Conn. Acts 4404 (repealed 1937).

²¹Ludwig v. Johnson, 243 Ky. 534, 49 S.W.2d 347 (1932). The court found that, by eliminating recovery for injuries to automobile guests caused by driver negligence, the Kentucky guest statute violated a Kentucky Constitution provision which prohibited the legislature from enacting laws which would deprive an injured person of all remedies.

²²In 1962, Wisconsin became the third state to invalidate a guest law when the Wisconsin Supreme Court overruled

the judicially created Wisconsin guest rule. See McCordville v. State Farm Mutual Automobile Insurance Co., 15 Wis. 2d 374, 113 N.W.2d 14 (1962). The court found the guest rule to be "no longer consistent with sound policy." 113 N.W.2d at 19.

²³See, e.g., Mainstee Bank of Trust Co. v. McGowan, 394 Mich. 655, 232 N.W.2d 636 (1975), Brown v. Merlo, supra, 506 P.2d 212.

²⁴See, e.g., Laakonen v. Eighth Judicial District Court, 91 Nev. 506, 538 P.2d 574 (1975); Brown v. Merlo, supra, 506 P.2d 212.

²⁵See, e.g., Brown v. Merlo, supra, 506 P.2d 212. Commentator criticizing guest laws on these and other grounds included Lascher, "Hard Laws Make Bad Cases--Lots of Them (The California Guest Statute)," 9 Santa Clara L. Rev. 1 (1968); Vetri, "The Case for Repeal of the Oregon Guest Passenger Legislation," 13 Willamette L.J. 53 (1976); Note, supra, 33 Ala. L. Rev. 143, Note, supra, 31 Mercer L. Rev. 1061. See also Prosser, supra, § 34 at 187 (Dean Prosser, commenting on guest laws, stated: "If this is good social policy, it at least appears under a novel front").

²⁶Brown v. Merlo, supra, 506 P.2d 212.

²⁷See infra pp. 18-20.

²⁸Vermont, in 1969 became the second state (after Connecticut in 1937) to repeal its guest statute. See No. 194, § 1, 1969 Vt. Laws Adj. Sess. 70 (effective 1970). Six other state legislatures--Florida (1972), Washington (1974), Colorado (1975), Montana (1975), Oregon (1977), and South Dakota (1978)--repealed their guests statutes on their own initiative. Three state legislatures--Kansas (1974), Nevada (1977), and North Dakota (1979)--repealed their guest statutes subsequent to state supreme court rulings declaring the statutes unconstitutional.

²⁹Illinois restricted the application of the Illinois guest statute to hitchhikers. See infra note 51 and accompanying text. Texas and Nebraska restricted the application of their statutes to certain relative of the driver. See infra p. 17. Virginia amended its statute to permit guest passengers to maintain a cause of action for ordinary negligence.

³⁰The Supreme Courts of Alabama, Arkansas, Delaware, Indiana and Utah all upheld the constitutionality of their state guest statutes. See infra pp. 14-15. The Supreme Court of Georgia upheld the constitutionality of the Georgia guest rule. See infra p. 16.

³¹The Indiana Supreme Court also identified an additional rationale which it considered to support the constitutionality of the Indiana guest statute. See infra note 45 and accompanying text.

³²See, e.g., Davis v. Cox, 268 Ark. 78, 593 S.W.2d 180 (1980).

³³See, e.g., Beasley v. Eozeman, 294 Ala. 288, 315 So. 2d 570 (1975). In Beasley, the court upheld the constitutionality of the Alabama guest statute. In a concurring opinion, however, Justice Jones states:

My initial conclusion was to strike down the guest statute as bad law. While I have not changed my mind about the quality of the Act, I have concluded there is no legal basis on which this Court could hold the statute invalid.

. . .

. . . The legislative process, through elective representatives, with all of its faults, and its tendency to be unduly influenced by pressure groups, is the best method yet derived by man for the enactment of laws expressive of the public policy of its people. (I would add parenthetically: My faith in this process further leads me to believe that a legislature sensitive to the will of the people it represents will now exercise its prerogative to repeal this inherently bad law.)

315 So. 2d at 571 (Jones, J., concurring specially).

³⁴See infra pp. 14-15.

³⁵See Bickford v. Nolen, 240 Ga. 255, 240 S.E.2d 24 (1977) (upholding Georgia guest rule against constitutional attack). See generally Note, "Treatment of Guest Passengers: Georgia Maintains Its Minority Rule," 31 Mercer L. Rev. 1061 (1980).

³⁶See, supra, note 29.

³⁷Ind. Rev. Stat. ch. 201, § 1 (1929) currently codified at Ind. Code Ann. § 9-3-3-1 (Burns 1980). The Indiana guest statute is essentially identical to the statute enacted by Alabama.

³⁸The full text of the statute provides:

Guest of owner or operator--
Right to damages.--The owner, operator, or person responsible for the operation of a motor vehicle shall not be liable for loss or damage arising from injuries to or death of a guest, while being transported without payment therefor, in or upon such motor vehicle, resulting from the operation thereof, unless such injuries or death are caused by the wanton or wilful misconduct of such operator, owner, or person responsible for the operation of such motor vehicle. [Acts 1929, ch. 201, § 1, p. 679; 1937, ch. 259, § 1, p. 1229.]

Ind. Code Ann. § 9-3-3-1.

³⁹As one authority has stated, commenting on guest statutes:

There is perhaps no other group of statutes which have filled the courts with appeals on so many knotty little problems involving petty and otherwise entirely inconsequential points of law. There is first of all the question of who is a "guest." What is the effect of sharing expenses, or of the guest

buying a tank of gasoline? Of an indirect, prospective, or merely remotely potential, benefit to the host in the form of some business interest or hope in having the guest take the ride?

Prosser, supra, § 34 at 187.

⁴⁰Liberty Mutual Insurance Co. v. Stitzle, 220 Ind. 180, 41 N.E.2d 133 (1942), is the leading Indiana case on when an automobile passenger qualifies as a guest within the meaning of the Indiana statute. 41 N.E.2d at 135-36. See also Allison v. Ely, 241 Ind. 248, 170 N.E.2d 371 (1960); Hainey v. Zink, 394 N.E.2d 238 (Ind. Ct. App. 1979).

⁴¹Note, "The Indiana Guest Statute," 34 Ind. L.J. 338, 346 n.39 (1949). See Trent v. Rodgers, 123 Ind. App. 139, 104 N.E.2d 759 (1952).

⁴²For more complete statement of the "wanton or wilful misconduct" standard see Tutterrow v. Brookshire, 152 Ind. App. 471, 284 N.E.2d 87 (1972).

⁴³264 Ind. 206, 341 N.E.2d 763 (1975).

⁴⁴The court found that the guest statute did not violate Ind. Const. art. 1, § 12 (entitling every person injured to a remedy by due course of law), Ind. Const. art. 1, § 23 (the Indiana equal protection provision), or the equal protection clause of the fourteenth amendment to the United States Constitution.

⁴⁵The court referred to the third rationale as the "benevolent thumb syndrome:"

We perceive a third and to us a very likely legislative policy behind our guest statute, one which has not, to our knowledge, been previously suggested in any of the litigated cases and which, for want of a better designation, could be called protection against the "benevolent thumb syndrome." This policy recognizes the value to our society of liability insurance to protect against the inequity of

damages inflicted by otherwise financially irresponsible motor vehicle owners and operators. This policy also recognizes that the cost of such insurance is unalterably determined by the loss experience of the companies providing such insurance, that such insurance is optional with the owners and operators and is purchased by them, not for the benefit of the victims of the negligence but rather for their own personal benefit and at their expense. The policy also recognizes the "Robin Hood" proclivity of juries. The tendency to take from the rich and give to the needy is as American as apple pie; but unfettered, it may logically be expected to lead to the escalation of liability insurance premiums to the level where the majority of users would be either unable or unwilling to pay them. . . .

.
. . . It is, therefore, not unreasonable to credit the Legislature with recognizing that when a guest sues his host, the jury can and will most likely assume that the real defendant is an insurance company and will relax the standard of proof traditional in negligence actions and renders biased judgments in favor of plaintiffs. The guest statute may, therefore, logically be a legislative endeavor to promote financial responsibility for damages caused by the negligent operation of motor vehicles by protecting liability insurance companies from the human propensities of juries to weigh their "benevolent thumb" along with the evidence of the defendant's negligence.

341 N.E.2d at 771-71.

⁶The Seventh Circuit agreed with the California Supreme Court that the promotion of hospitality and prevention of collusion rationales did not justify the guest statute classification scheme. Side v. Majors, 530 F.2d 1150, 1157-58 (7th Cir. 1976). The Seventh Circuit also rejected the "benevolent thumb" rationale:

One further reason the Indiana Supreme Court advanced in favor of the constitutionality of the guest statute was that otherwise there might be an escalation of automobile liability insurance premiums. But when the Guest Act was enacted in Connecticut in 1927, there was no reduction in automobile premiums, nor was there an increase in the premiums when that statute was repealed ten years later. Note, 42 U.Cinn.L.Rev. 709, 721 (1972). Defendant has not demonstrated that our invalidation of this statute would increase premiums for such insurance.

Id. at 1158 (footnote omitted).

⁴⁷Id. at 1160.

⁴⁸Side v. Majors, 429 U.S. 945 (1976) (denying certiorari). Justice Brennan and Justice Marshall dissented from the denial of certiorari on grounds that the numerous state court decisions declaring guest statutes unconstitutional indicated that the constitutionality of such statutes should be re-examined. Id. at 945 (Brennan, J., dissenting from denial of certiorari).

⁴⁹See infra pp. 15-20. For purposes of this presentation, "Midwestern" states include the following: Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Ohio, Tennessee, and Wisconsin.

⁵⁰See Note, supra, 31 Mercer L. Rev. at 1064-70.

⁵¹See Ill. Ann. Stat. ch. 95 1/2, § 10-201 (Smith-Hurd Supp. 1982).

⁵²See infra pp. 18-20.

⁵³Manistee Bank & Trust Co. v. McGowan, 394 Mich. 655, 232 N.W.2d 636, 644-45 (1975).

⁵⁴Henry v. Bauder, 213 Kan. 751, 518 P.2d 362, 369-70 (1975). See also Primm v. Taylor, 43 Ohio St. 2d 195, 331 N.E.2d 723 (1975).

⁵⁵Henry v. Bauder, supra, 518 P.2d at 370. See also Bierkamp v. Rogers, 293 N.W.2d 577 (Iowa 1980) (guest classification both overinclusive and underinclusive for purpose of preventing collusion).

⁵⁶See Manistee Bank & Trust Co. v. McGowan, supra, 232 N.W.2d at 638.

⁵⁷The bracketed date indicates the date of enactment.

STATE OF ALASKA
FISCAL NOTE

Revision Date , 1983

I. REQUEST

Bill/Resolution No.. HB 126
 Title: "...liability of aircraft owners..."
 Sponsor: Repr. Hurlburt
 Requestor: House Labor & Commerce

II. FISCAL DETAIL

Agency Affected: Department of Law
 Program Category Affected: General Govt.
 BRU, Program of Subprogram(s) Affected: Legal Services

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
GENERAL FUND	-0-	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS:

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
FULL-TIME	-0-	-0-	-0-	-0-	-0-	-0-
PART-TIME						
TEMPORARY						

III. SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

N/A

IV. ANALYSIS: Attach a separate page for any Analysis

Prepared By: Richard I. Pegues Director

Division: Administrative Services Division

Phone: 465-3672

Date: April 13, 1983

Approved by Commissioner: Richard I. Pegues / for

Department: Department of Law

Date: April 13, 1983

Distribution:

- Original to Legislative Finance
- Copy to Office of Management and Budget (for Legislature introduced bills)
- Copy to Department (for Governor introduced bills)
- Copy to Sponsor
- Copy to Requestor (if different from Sponsor)

HR 126
Fiscal Note
Analysis

The liability of aircraft owners or operators for personal injury or death to guest passengers and the limitation thereof, is a matter between private parties. Such matters, unless they involve social concerns for which the state has provided some form of statutory protection, generally do not involve the Department of Law. Consequently, no fiscal impact will occur to the department's operations.

DRAFT
COMMITTEE LETTER OF INTENT
ON
CS FOR SENATE BILL 228 (JUDICIARY)

In the Legislature of the State of Alaska
13th Legislature - 1st Session

The purpose of Senate Bill 228 is to extend to the Metlakatla Indian Community the benefits of two ongoing state revenue sharing programs, the Municipal Assistance Fund, AS 43.20.016, and the Municipal Tax Resource Equalization Program, AS 28.88.010 et seq. Under existing state law, the Metlakatla Indian Community is not eligible to participate in these programs because it is not technically a state-law "municipality." Senate Bill 228 applies only to the Metlakatla Indian Community and does not affect the legal status or rights of any Indian Reorganization Act entities, traditional councils or village or regional corporations organized under the Alaska Native Claims Settlement Act.

The Committee believes that in fairness the Metlakatla Indian Community must be distinguished from other Native organizations in Alaska with respect to state revenue sharing. The Metlakatla Indian Community has a legal status in Alaska that is absolutely unique. Because the Metlakatla Indian Community elected to forgo the benefits of the Alaska Native Claims Settlement Act, the reservation status of the Annette Islands Reserve was preserved. Metlakatla was the only reserve in Alaska to make this choice. Thus section 19 of the Alaska Native Claims Settlement Act extinguishes all previously existing federal Indian reserves in Alaska

but specifically excepts the Annette Islands Reserve. As a federal Indian reservation, located on federal trust land, the Community cannot incorporate under state law.

It is true that the Metlakatla Indian Community is eligible for various federal assistance programs made available to tribes throughout the United States. However, the Metlakatla Indian Community enjoys no special advantage vis-a-vis other Alaska Native groups in this regard. Section 2(c) of the Alaska Native Claims Settlement Act provides that the Act does not diminish the responsibility of the federal government to Alaska Natives and Alaska Native groups. The various federal statutes extending benefits to Indian tribes have therefore been amended to provide that the term "tribe" includes the traditional councils, the Indian Reorganization Act entities, and the village and regional corporations located in Alaska. These entities, as well as the Metlakatla Indian Community, therefore receive federal aid under the Indian Self-Determination Act and other federal programs. Unfortunately, this federal aid for Indian entities throughout the United States has substantially eroded. According to the Bureau of Indian Affairs, the federal cutbacks in Indian programs under the Reagan administration have averaged 45%. The Metlakatla Indian Community must now look to other sources for funding.

With respect to state aid, the Metlakatla Indian Community is at a special disadvantage compared to non-Native and predominately Native communities in Alaska. The Metlakatla Indian Community provides substantial governmental services for the approximately

1300 persons who reside on the Annette Islands Reserve, including both members and non-members of the Community. Its governmental expenses are commensurate with these responsibilities, averaging approximately \$1.7 million per year. But because the Metlakatla Indian Community is chartered under federal, not state, law, it is not eligible for the state revenue sharing benefits that are extended to other Alaska communities. In contrast, the other Native communities in Alaska, at least those of a size comparable to Metlakatla, are incorporated under state law and the Alaskans resident there enjoy the indirect benefits of state revenue sharing. For example, the City of Hydaburg is organized as a first class city and is eligible to receive state revenue sharing. At the same time, this predominately Native community also receives substantial federal benefits, under the Indian Self-Determination Act and other programs, because of the presence there of the Haida Corporation, an ANCSA village corporation, and the Haida Cooperative Association, an Indian Reorganization Act entity set up pursuant to section 16 of the Indian Reorganization Act. The Metlakatla Indian Community is eligible to receive the federal but not the state benefits. Senate Bill 228 will eliminate this disparity of treatment between state citizens by extending the state revenue sharing benefits that other Alaska communities now enjoy to the Metlakatla Indian Community.

At the Committee hearing, concern was expressed that the phrase "local government," referring both to state law municipalities and to the Metlakatla Indian Community, was unnecessarily

broad. The Committee has discussed this matter with legislative counsel and recommends that this language be eliminated and that the phrase "municipality and federal Indian reserve tribe" be used to refer to the legal entities eligible for revenue sharing under the two state programs. The existing definition section, clarifying that the "federal Indian reserve tribe" refers only to Metlakatla, should be retained.

JUD MEETING

STATE OF ALASKA

DEPARTMENT OF LAW

OFFICE OF THE ATTORNEY GENERAL

BILL SHEFFIELD, GOVERNOR

REPLY TO:

1031 W 4th AVENUE
SUITE 200
ANCHORAGE, ALASKA 99501
PHONE: (907) 276-3550

1st NATIONAL CENTER
100 CUSHMAN ST.
SUITE 400
FAIRBANKS, ALASKA 99701
PHONE: (907) 452-1568

POUCH K - STATE CAPITOL
JUNEAU, ALASKA 99801
PHONE: (907) 465-3600

3603

June 20, 1983

Honorable Bill Ray
Chairman, Senate Judiciary

re; Senate CS for HB 126 am

Dear Senator Ray:

At your request I conferred with Kay Wallis, legislative aid to Representative Hurlbert concerning the intent of HB 126 am. Ms. Wallis stated that it is a common, culturally accepted practice in Alaska, especially in roadless interior areas, for persons to hitchhike on aircraft returning from charter flights. Unlike the automobile driver who can simply stare straight ahead and drive pass the highway hitchhiker, a charter pilot is confronted and addressed verbally by the hitchhiker who seeks a lift in the direction of the return flight. The uncertainty of Alaska weather and the possibility of an extended wait make it especially difficult for pilots to refuse to extend the courtesy requested. Ms. Wallis stated that despite this compulsion pilots are reluctant to pick up hitchhikers because of the likelihood that they will be sued in the event that an accident occurs. This bill would lessen the likelihood of a lawsuit and would accordingly encourage hospitality by aircraft operators. Enclosed is a rough draft committee substitute which identifies the legislative intent of this bill.

Honorable Bill Ray

June 20, 1983 -
Page 2

As I mentioned at the hearing June 17, there is a judicial hostility to guest statutes. Most state courts have struck such statutes down on equal protection grounds where the legislative intent, as here, is to encourage hospitality. This most often occurs where it is hypothesized that this was a legislative intent. Here, the committee substitute expressly recognizes this as the purpose of the legislation and sets out the unique Alaskan situation justifying such legislation.

Note the change in definition of guest as one who rides at his request. This restricts "guest" to those persons who initiate a request for a ride. Thus, where for example, the guest is a personal friend of the pilot and rides at the pilot's invitation, this bill would be inapplicable.

Guest statutes encourage litigation and surely, this one would do so too. This bill too stands the chance of being struck down by the Court for constitutional reasons however, this committee substitute greatly reduces this possibility. The larger question remaining is whether this is desirable legislation, a matter which the judiciary recognizes is the prerogative of the legislature.

Sincerely Yours,

Norman C. Gorsuch
Attorney General

By: *Bill Mellow*
William G. Mellow
Assistant Attorney General

STATE OF ALASKA
FISCAL NOTE

Revision Date , 1983

I. REQUEST

Bill/Resolution No.: HB 126
 Title: "...liability of aircraft owners..."
 Sponsor: Repr. Hurlburt
 Requestor: House Labor & Commerce

II. FISCAL DETAIL

Agency Affected: Department of Law
 Program Category Affected: General Govt. BRU, Program of Subprogram(s) Affected: Legal Services

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
GENERAL FUND	-0-	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS:

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
FULL-TIME	-0-	-0-	-0-	-0-	-0-	-0-
PART-TIME						
TEMPORARY						

III. SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

N/A

IV. ANALYSIS: Attach a separate page for any Analysis

Prepared By: Richard I. Peques Director
 Division: Administrative Services Division

Phone: 465-3672
 Date: April 13, 1983

Approved by Commissioner: Richard I. Peques for
 Department: Department of Law

Date: April 13, 1983

Distribution:

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- Copy to Office of Management and Budget (for legislature introduced bills)
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HR 126
Fiscal Note
Analysis

The liability of aircraft owners or operators for personal injury or death to guest passengers and the limitation thereof, is a matter between private parties. Such matters, unless they involve social concerns for which the state has provided some form of statutory protection, generally do not involve the Department of Law. Consequently, no fiscal impact will occur to the department's operations.

H B

1 2 8

Alaska State Legislature

SENATOR
ROBERT H. ZIEGLER, SR.
307 BAWDEN STREET
KETCHIKAN, ALASKA 99901

While in Juneau
POUCH V
JUNEAU, ALASKA 99811



Senate

VICE CHAIRMAN
SENATE RESOURCES COMMITTEE

MEMBER
SENATE JUDICIARY COMMITTEE

WESTERN STATES LEGISLATIVE
FORESTRY TASK FORCE

WESTERN CONFERENCE COUNCIL
OF STATE GOVERNMENTS

May 26, 1983

Senator Bill Ray,
Chairman
Senate Judiciary Committee
Alaska State Legislature
Juneau, Alaska

Re: CSHB 128.

Dear Senator Ray:

Guy researched the subject bill for me. Here are his comments:

The bill provides in the new subsection (d) that a person convicted under (a)(2) (other than as a patron of a prostitute who induces or causes a person under 16 years of age to engage in prostitution) is guilty of a Class A felony. Previously, this crime was a Class B felony.

The difference is that a first conviction for the Class A felony can bring about imprisonment from 0-20 years and a maximum fine of \$50,000; for a Class B felony, the monetary sanction remains the same but the time parameters are from 0-10 years.

if you want to be tough, this bill would make the promotion of child prostitution a major crime and would perhaps serve as a deterrent.

Very truly yours,

Robert H. Ziegler, Sr.

RHZ:lk

Alaska State Legislature

Representative John Lindauer
District 10-A
3933 Geneva Place
Anchorage, AK 99508



White in Juneau
Pouch V
Juneau, AK 99811
465-3709

House of Representatives

May 24, 1983

To: Senate Judiciary Committee

From: Representative John Lindauer *JL*

Re: House Bill 128: "An Act raising the penalties for promoting child prostitution."

Child prostitution is a growing problem within the United States as well as within Alaska. Those who promote young people in prostitution commit a heinous crime and need to be punished to the fullest extent possible.

This bill raises the penalty for those who promote individuals under sixteen years of age. The minimum penalty would change from having no minimum sentence to having a presumptive first offence sentence of seven years with the maximum sentence going from ten to twenty years.

Attached are a group of articles detailing areas of concern within the national and local press.

ALASKA NETWORK ON DOMESTIC VIOLENCE AND SEXUAL ASSAULT

P.O. BOX 809

JUNEAU, ALASKA 99802

586-3650

POSITION PAPER

HB128: An Act raising the penalties for promoting child prostitution

The Alaska Network on Domestic Violence and Sexual Assault is a non-profit corporation composed of twenty-one programs statewide that provide domestic violence, sexual assault, and adult crisis intervention services to members of their respective communities. Network programs are funded in part through grants and contracts awarded by the Council on Domestic Violence and Sexual Assault.

The Network was established in 1978, and has as one of its primary focuses the elimination of domestic violence and sexual assault through provision of shelter, advocacy, and education/prevention services.

The Network supports the intent of HB128 in its efforts to discourage the perpetration of abusive behavior towards minors.

STATE OF ALASKA
PRELIMINARY STATEMENT OF FISCAL IMPACT

Bill No: HR 128 Date on Pill: 1/26/83
Title: An Act raising the penalties for promoting child prostitution
Sponsor: Rep. Lindauer
Requestor: House HESS

1. Estimated fiscal impacts on:

a. Expenditures:

(Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86
Capital				
Operating				
Total	-0-	-0-	-0-	-0-

b. Revenues:

Revenue				

2. Source of funds to offset fiscal impact of bill:

3. Assumptions:

No fiscal impact.

4. Disclaimer:

This statement has not been reviewed by the OMB in the Office of the Governor. It therefore does not represent the final estimate of fiscal impact.

Prepared By: Paul Conger Phone: 465-4338
Division: Administrative Services Date: 2/16/83
Approved by Commissioner: Robert H. Lindley Date: 2-22-83
Department: Public Safety

5. Distribution:

Original to Legislative Finance
Copy to OMB
Copy to Sponsor
Copy to Requestor

2/15/83

STATE OF ALASKA
PRELIMINARY STATEMENT OF FISCAL IMPACT

Bill No: HB 128 Date on Bill: 1/26/83
 Title: An Act raising the penalties for promoting child prostitution
 Sponsor: House HESS
 Requestor: _____

1. Estimated fiscal impacts on:

a. Expenditures:

(Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86
Capital				
Operating				
Total	-0-	-0-	-0-	-0-

b. Revenues:

Revenue				
---------	--	--	--	--

2. Source of funds to offset fiscal impact of bill:

Source of funds not identified by sponsor

3. Assumptions:

No fiscal impact

4. Disclaimer:

This statement has not been reviewed by the OMB in the Office of the Governor. It therefore does not represent the final estimate of fiscal impact.

Prepared By: Paul Conger Phone: 465-4338
 Division: Administrative Services Date: 2/28/83
 Approved by Commissioner: [Signature] Date: 2/28/83
 Department: Public Safety

5. Distribution:

- Original to Legislative Finance
- Copy to OMB
- Copy to Sponsor
- Copy to Requestor

2/15/83

EXPENDITURES (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS ETC.						
TOTAL	*	*	*	*	*	*

FUNDING (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

FULL TIME						
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

If enacted, House Bill No. 128 would raise the penalties for promoting child prostitution from a Class B felony to a Class A felony.

* No data is available to indicate the frequency of this crime, the number of arrests or convictions. Therefore, no estimate can be made as to the fiscal impact if this legislation enacted. Since statistical data is not available, it is assumed that this offense is rarely encountered and any potential fiscal impact would be minimal, particularly since the bill is only raising an existing crime to a classification with longer sentences.

FISCAL NOTE

I. REQUEST

Bill/Resolution No. House Bill No. 128
 Title "An Act raising the penalties for promoting child prostitution"
 Requested by Representative Lindauer Date Jan. 26, 1983

II. FISCAL DETAIL

Agency Affected Health & Social Services
 Program Category Affected Offender Confinement, Reformation & Supervision
 BRU, Program or Subprogram(s) Affected Adult Confinement
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS ETC.						
TOTAL						

FUNDING (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

FULL TIME						
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

Enactment of House Bill No. 128 would raise the penalties for promoting child prostitution from a Class B felony to a Class A felony.

* (Unable to determine fiscal impact with data available.).

IV. DATE February 4, 1983 PREPARED BY Roger C. Lange
 AGENCY Division of Adult Corrections
 PHONE 465-3376
 Original: Legislative Finance
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)

Alaska State Legislature



House of Representatives

REPRESENTATIVE
RAMONA L. BARNES

MEMORANDUM

HOUSE MAJORITY LEADER
MEMBER
RULES COMMITTEE
JUDICIARY COMMITTEE
LEGISLATIVE COUNCIL
POLICY COMMITTEE
ALASKA REPRESENTATIVE
STATES RIGHTS COORDINATING COUNCIL
WESTERN LANDS TASK FORCE
CITIZENS ADVISORY COMMISSION
ON ALASKA LANDS

ANCHORAGE
2230 PAXSON
ANCHORAGE, ALASKA 99504
(907) 337-7904
POUCH V
JUNEAU, ALASKA 99811
(907) 465-3718



TO: REP. CHARLIE BUSSELL
CHAIRMAN, HOUSE JUDICIARY COMMITTEE

AND

REP. MAE TISCHER, REP. MILO FRITZ
CO-CHAIRPERSONS, HEALTH, EDUCATION
AND SOCIAL SERVICES

RB

FROM: REP. RAMONA L. BARNES
HOUSE MAJORITY LEADER

DATE: March 18, 1983

The attached petitions bearing 383 signatures were forwarded to me by Society's League Against Molestation (SLAM). They advise that more are forthcoming.

They bring a message that we are hearing from all across the state ...that sexual abuse, particularly against children has completely gotten out of hand. I'm sure you agree that something must be done.

I would appreciate your comments on how we should proceed. It appears to me that the copy of the California statute previously provided the Judiciary Committee could readily be adopted. In that regard, the criminal records referred to (paragraph 3 of the petition text) would pertain to the records of sex crimes only.

Your consideration will be greatly appreciated.

RLB/rv

COMMITTEE REPORT

HOUSE

FURTHER:

Date: _____

Mr. Speaker:

The Committee on _____ has had _____

under consideration and reports it back as follows:

- do pass do not pass
- do pass with attached amendments(s)
- replace with CS for _____ same title
- new title
- and recommends _____
- AND attaches a "Letter of Intent" New Fiscal Note
- reports it back without recommendation Zero Fiscal Note Attached
- referred to the _____ Committee

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS:

CHAIRMAN

ALASKA NETWORK ON DOMESTIC VIOLENCE AND SEXUAL ASSAULT

P.O. BOX 809

JUNEAU, ALASKA 99802

586-3650

POSITION PAPER

HB128: An Act raising the penalties for promoting child prostitution

The Alaska Network on Domestic Violence and Sexual Assault is a non-profit corporation composed of twenty-one programs statewide that provide domestic violence, sexual assault, and adult crisis intervention services to members of their respective communities. Network programs are funded in part through grants and contracts awarded by the Council on Domestic Violence and Sexual Assault.

The Network was established in 1978, and has as one of its primary focuses the elimination of domestic violence and sexual assault through provision of shelter, advocacy, and education/prevention services.

The Network supports the intent of HB128 in its efforts to discourage the perpetration of abusive behavior towards minors.

Alaska State Legislature

Representative John Lindauer
District 10-A
3933 Geneva Place
Anchorage, AK 99508



Write in Ink
Pouch V
Juneau, AK 998
465-3709

House of Representatives

March 4, 1983

TO: House Judiciary Committee
FROM: Representative John Lindauer
RE: House Bill 128: "An Act raising the penalties for promoting child prostitution."

Child prostitution is a growing problem within the United States as well as within Alaska. Those who promote young people in prostitution commit a heinous crime and need to be punished to the fullest extent possible.

This bill raises the penalty for those who promote individuals under sixteen years of age. The minimum penalty would change from four to seven years with the maximum sentence going from ten to twenty years.

Attached are a group of articles detailing areas of concern within the national and local press.

FIRST FELONY CONVICTION SECOND FELONY CONVICTION THIRD FELON CONVICTION

MURDER I	[20] -- 99	[20] -- 99	[20] -- 99
MUR. II & KIDNAP. & M. I. C. S. - I	[5] -- 99	[5] -- 99	[5] -- 99
SEXUAL ASSAULT 1ST **	5 -- (10) -- 30 HB127 (12)	7 1/2 -- (15) -- 30	12 1/2 -- (25) -- 30
SEXUAL ASSAULT 1ST	4 -- (8) -- 30 HB127 (10)	7 1/2 -- (15) -- 30	12 1/2 -- (25) -- 30
A FELONY **	3 1/2 -- (7) -- 20	5 -- (10) -- 20	7 1/2 -- (15) -- 20
A FELONY ↑ HB128	2 1/2 -- (5) -- 20	5 -- (10) -- 20	7 1/2 -- (15) -- 20
B FELONY ↑ HB117	0 -- 10	0 -- (4) -- 10	3 -- (6) -- 10
C FELONY	0 -- 5	0 -- (2) -- 5	0 -- (3) -- 5

** APPLIES WHEN A DEFENDANT POSSESSED A FIREARM, USED A DANGEROUS WEAPON OR CAUSED SERIOUS PHYSICAL INJURY EXCEPT FOR MANSLAUGHTER.
 NUMBERS IN (BRACKETS ARE) PRESUMPTIVE SENTENCES. NUMBERS ENCLOSED BY [BOXES] ARE MANDATORY MINIMUM SENTENCES.
 NUMBERS TO LEFT OF BRACKETS ARE LOWEST MITIGATED SENTENCES. NUMBERS TO RIGHT ARE HIGHEST AGGRAVATED SENT.

City / State

• On The Record
• Obituaries
• Legislature

B

Rodriguez denies sex charges



Norris Klemon of The Times

'Chico' Rodriguez is delivered to the courtroom for arraignment Friday

by Jeff Berliner
Times Writer

Wild sex parties involving "kids" were frequent at his house, Carlos "Chico" Rodriguez said Friday during a brief interview before his arraignment on charges that he operated a juvenile pornography and prostitution ring here.

But, Rodriguez asserted, he is innocent of the rape charges and said others may be involved.

Rodriguez, a small, neatly dressed, soft-spoken man, about 5-foot-8, and weighing about 150 pounds, sat quietly and intently through his first Alaskan court hearing since his arrest more than three months ago.

Rodriguez said he is eager to face his accusers. He said he is innocent, although 12 youths told a grand jury that Rodriguez had sexually abused them, induced them to rob for him, and forced them to perform in sex movies in exchange for drugs and money.

And, Rodriguez hinted, many of the alleged activities really did go on in his house and he may be prepared to place the blame on unnamed others. Rodriguez is charged with crimes that allegedly occurred between 1978 and 1980.

Police have acknowledged that others are under investigation as part of a continuing probe of the juvenile pornography and prostitution operation they claim Rodriguez ran.

Among the 29 felonies lodged against him are rape, attempted rape, sexual abuse of a minor, promoting prostitution, unlawful

exploitation of a minor, attempted lewd acts to children, contributing to the delinquency of a minor and lewd or lascivious acts toward children.

Rodriguez, 46, is being held at the Sixth Avenue jail on a \$1 million cash-only bail.

After court, public defender Carmen Gutierrez told Rodriguez not to speak to anyone except his attorney because his "case is a very hot case."

Gutierrez said she would seek a court ruling Monday — when a trial date will be set — asking corrections officials to notify attorneys if anyone tries to contact Rodriguez.

"A lot of investigation will be necessary to adequately represent Mr. Rodriguez," Gutierrez told Superior Court Judge Ralph Moody. "There are a number of counts and they are very serious."

Rodriguez may not stand trial until summer, Gutierrez indicated. But Rodriguez told The Times he is eager to go to trial.

Rodriguez repeated many things he said in an earlier interview with The Times: that groups of young people gathered at his house to party and have sex and that he did not force the activities to occur nor did he force himself upon anybody.

He insisted that he was not always present at these parties and that others with keys may have hosted them in his absence.

Rodriguez was secretly indicted Nov. 19 and arrested several days later at his Miami, Fla., home.

Anchorage Times 31/83

Rodriguez may not get closed trial, judge says

by Jeff Berliner
Times Writer

Although a secret court hearing was held Monday, state superior court Judge Victor Carlson said later in an interview that this does not mean Carlos "Chico" Rodriguez will have a closed trial.

Rodriguez, 46, is being held on a \$1 million cash-only bail at the Sixth Avenue Jail on 29 felonies related to an alleged juvenile pornography and prostitution ring run out of his house at 1302 W. 26th Ave.

Carlson ordered the court-

room cleared of spectators, the press and other attorneys when a hearing was held for Rodriguez Monday afternoon.

The so-called "in camera" hearing was requested by public defender Carmen Gutierrez. Behind closed doors, she explained to the judge why the state public defender agency — which represents all indigent defendants — could not represent Rodriguez.

Since the public defender agency represents some of the youths who were allegedly sexually abused by Rodriguez, Gutierrez said it would be a

conflict of interest for her agency to represent both Rodriguez and his accusers.

Twelve youths who testified against Rodriguez in grand jury proceedings are identified only by initials and age, and Monday's hearing was closed to keep their identities secret.

Although only names arose at Monday's hearing, the unidentified witnesses are expected to take the witness stand when Rodriguez goes to trial. Asked if these proceedings might also be closed on the same grounds, Carlson said no motions have yet

been filed seeking a closed trial. He added that there is no precedent for it.

A U.S. Supreme Court decision in an Alaskan case ruled to keep its trial open when it found that the protection of a defendant's rights (to face his accusers) are more important than the protections of witnesses' identities, Carlson said.

Meanwhile, Rodriguez — who was indicted Nov. 19, arrested in Miami, Fla. a few days later and returned to Alaska last Thursday — still has no lawyer.

In cases where the public de-

fender agency has a conflict of interest with a client, the law firm of Drathman and Weidner is appointed. However, an attorney from that firm represents another youth who testified against Rodriguez.

Carlson asked the firm of Lynch, Farney & Crosby to provide Rodriguez with a lawyer and tell the court today whether it would do so.

Rodriguez said he wants to hire a local private attorney to defend him but doesn't have the money.

ADOLESCENT PROSTITUTION

by Michael Baizerman, Jacquelyn Thompson, Kimaka Stafford-White and "An Old, Young Friend"

Adolescent prostitution is a topic of public and professional concern in many areas throughout the nation. It has been receiving a great deal of attention in Minnesota, and particularly in the Twin Cities area of Minneapolis-St. Paul. We are aware of our area's notoriety as the home of many young girls who are now working as prostitutes in New York City, Chicago and California. We could not help but be aware of the "Minnesota Strip" in New York City after the news coverage given to efforts of two local policemen to bring home some of the young people involved in prostitution there.

We are concerned, too, that sophisticated pimps are coming into Minnesota from other cities. Compared to many states, Minnesota is rich and until recently it has been an untapped resource as far as organized crime is concerned.

In response, public hearings have been held at city and state levels, and groups have been formed by government agencies and youth workers to study the situation and recommend actions. Programs have begun and legislation has been introduced at the state level.¹ Training sessions² have been held for youth workers at the University of Minnesota and elsewhere, and public meetings have been called to present issues to parents and young people.

Michael Baizerman, Ph.D., is Associate Professor, Center for Youth Development and Research, and Associate Professor, Maternal and Child Health, University of Minnesota, Minneapolis. Jacquelyn Thompson and Kimaka Stafford-White are youth counselors with a Twin Cities youth agency. "An Old, Young Friend" is an 18-year-old woman with five year's experience in fee-for-service sex in Minneapolis-St. Paul and other cities.



Photo: The Museum of Modern Art/Film Stills Archive

Jodie Foster as a runaway teenage prostitute in the recent film "Taxi Driver."

Taken together, these activities have contributed to the Twin Cities becoming a center of inquiry and action on adolescent female prostitution. (Although there is certainly male prostitution in the Twin Cities area, it is apparently not as prevalent as it is in some other cities and not yet of the same public concern.)

Over a 3-year period, two of us have done direct fieldwork—casefinding, counseling and referral—with more than 300 young prostitutes in the Twin Cities area, including one of the co-authors of this article, "An Old, Young Friend." Most of these girls were native-born, from the Twin Cities or rural areas in the state, and about 70 percent had run away at some time. And, as part of a field study of the Center for Youth Development and Research at the University of Minnesota, three of us have interviewed the youth workers and some of these girls and their pimps. From them we have gathered observations and gained some understanding of the current phenomena of adolescent fee-for-service sex. This article is an introduction to our findings and observations.

A Brief History

Prostitution has been a fact of life in most of recorded history and children and youth have been sellers of sex for almost as long. Only since the early 1950s has youth been considered a separate stage of life; thus we can assume that many young people we now term youths were previously considered to be adults, whether they were involved in prostitution or in other, more conventional activities.

Prostitution by the young has been a form of slavery and of child labor. Young people worked as prostitutes to earn money for their families. Some of this activity was regulated by law—in England, for example, legislation set the minimum age for prostitution at 12 until 1374, at 13 in 1375 and at 16 in 1835.

Is the incidence of adolescent prostitution higher now than in the recent past? We don't know for sure, but we think that it is. We are also hearing more about it now. Some girls may become aware of prostitution as an "easy" way of earning money and decide to try it. Increased public awareness of adolescent fee-for-service sex often results in increased public pressure for police action, which in turn usually results in more arrests and prosecutions and, usually, "convictions." (These young people would be seen in juvenile court where there are hearings and dispositions, not convictions.)

In addition, since young prostitutes work "the street" as opposed to working out of bars, hotels or parlors, they are more visible because they tend to congregate on the same streets.

Adolescent prostitution has also been linked to other contemporary youth problems: running away, physical and sexual abuse, incest and child pornography. Federal legislation passed last year, P. L. 95-225, is designed to protect children against sexual exploitation. It also extends the provisions of the Mann Act to apply to boys.

Prostitution in the Twin Cities

In the Twin Cities area, girls of all races are involved in prostitution; their ages range from 13 to 18. Some have a male pimp, others do not, and many make a transition from working independently to working for a pimp. As we have noted, most of the young prostitutes work "the street"—both actual city blocks and other specific locations, such as shopping malls and the areas around some bars and after-hours clubs. Most sex acts take place in cars, although some girls use apartments and, more rarely, motel and hotel rooms.

Many of the girls practice birth control; pills, followed by the IUD, are the two most popular forms. Since girls may begin using the pill at an early age, they may be at risk of resultant medical complications. Use of the IUD could lead, through violence during the sex act, to such serious problems as perforation of the cervix. Condoms seem to be used less as a pregnancy prophylactic than as a preventive for venereal disease.

Many girls do not know much about venereal disease, and what information they do have seems to be obtained from "the street." Some learn from experience that one consequence might be scar tissue on the fallopian tubes, which could prevent pregnancy. Generally, pimps take care of the medical and health expenses of their girls.

Many pimps working in neighborhoods and the metropolitan area do not use hard drugs and do not allow their girls to use them—hard drug use raises the risk of an, it and the cost of the pimp's operation. Hard drugs also compete with a pimp for the girl's dependency. This is not to say that many girls do not have a history of drug use or that some girls may not be intentionally introduced to drugs as a way to secure and control them. However, from what we have observed, this latter pattern is more characteristic of interstate than of local patterns.

All of the pimps are male and most of

the younger ones are black. Those who live in the neighborhood where the girls work—"popcorn" or "bunolegum" pimps, or "players"—are about 17, 18 and 19 years old, while those who come from outside the state are usually older, having moved up the "career ladder" from neighborhood pimp to small businessman. Black pimps tend to work on the street while white pimps, usually older, are more likely to be involved with more formally organized action such as call girls, saunas and massage parlors.

In general, the younger pimps come from disadvantaged neighborhoods; they have relatively poor formal education, lack basic skills and have few opportunities to obtain legitimate work. As a result they are likely to be frustrated, angry, resentful and unsure of themselves. They tend to use fear to control their girls and may attempt to hurt a girl or someone who tries to interfere with their operation. In our experience, however, many of these young men will move out of pimping if other possibilities are found. Those who stay in it do so partly because there are few work opportunities. We do not believe that most stay out of any great pathological or perverse need.

Older and more sophisticated pimps rarely use physical force on their women. Their method of control is psychological and emotional with the goal of having the girls become totally dependent upon them.

The local buyers of Johns seem to be white men over 25 years of age, both married and single. We know that many have families of their own—and that some men ask for girls of their daughter's age.

Although a wide variety of sex acts are performed, most men seem to be oral sex or intercourse. The price varies according to the act and the time involved: For ordinary oral sex or intercourse, it is about \$25. Other factors—whether the girl works for a pimp, the location of the pick-up, the nature of the sex act, and whether or not there is a big convention in town—also influence the cost.

Most of the action seems to take place from lunchtime to late afternoon, and then later in the evening. These afternoon times fit well within typical male working schedules and allow married men the opportunity to be home in the evening and still engage in—and protect—their activities.

Business hours are also determined by the girls' schedules. Since they may also be students in junior and senior high

school, the girls may choose to work only after school. Afternoon hours are convenient for girls who live at home and work at prostitution part time, without parental knowledge.

Becoming A Teenage Prostitute

One pathway to prostitution is recruitment by a pimp. Why are some girls vulnerable to a pimp's advances? We believe that the risk of a girl being open to recruitment by a pimp increases with the following factors:

She may have a poor self-image. She is unattractive, possibly overweight and a "loner." She lacks knowledge of normal teenage boy-girl relationships, and she desires acceptance and attention. Aware of this, a pimp will take her to nice restaurants, buy her gifts and make her feel desirable.

She may be a runaway. Girls leave home for a variety of reasons, many of which reflect "healthy" or normal feelings of adolescents—the desire for adventure, to explore something new, to meet new people. Others, however, run away from problems, including physical and sexual abuse, family violence, other intrafamilial tensions and crises and problems with school, work or friends.

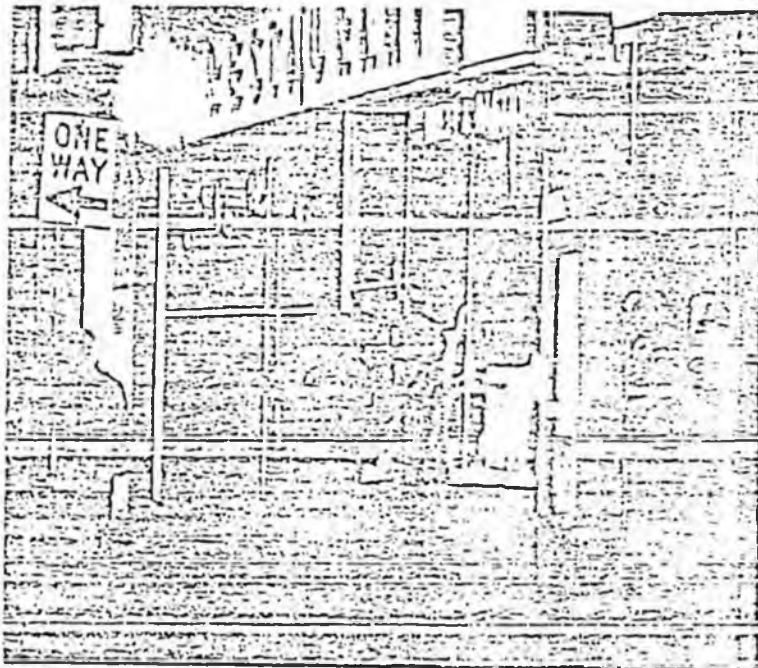
In our experience, it is the girl who runs away from abuse and/or family crises, who urgently wants and needs friendship, security and affection, who is most responsive to the solicitations of a pimp.

The need for money also makes a runaway—who is lonely, tired and hungry and has no place to go—vulnerable to such advances. Working for a pimp may seem to her to be a safe way to organize her work life—she sees him as offering protection against abuse and violence by the "trick," help with the police and the court and offering material and physical security.

To understand why and when these girls leave home is to understand a part of why they are vulnerable to a pimp. What is important here is not only the kind and severity of the incidents but the girl's experiences and understanding of these and her learned behaviors about being in her family. It is important to remember, however, that not all girls who run away from home respond to a pimp and go into prostitution.

Other girls who do not run away from home, but who experience similar personal and family problems, may also be vulnerable to a pimp's advances.

She may have friends in prostitution. She wants to be accepted by her peers, and she is impressed with the clothes, gifts and other material goods that a pimp provides.



She may be seeking . . . Some girls may be looking for a husband or a man to depend upon; others may seek material goods—expensive clothes, a big car, a luxurious apartment—which the pimp provides.

The girls described here usually do not know that they are being recruited for prostitution. In the first stage of the prostitution "career," a girl is picked out, or put at actual risk of "conversion," by others—other girls working for a pimp, a teenage boy who "fingers" or points her out to a pimp for money or status, or by others in the prostitution system. (In some cases, a girl may ask another prostitute to bring her into "the life.")

The pimp contacts the girl, begins dating her and, playing upon her normal interest in men and dating, works carefully to gain her love and trust—he gives her presents, takes her to parties and night spots and introduces her to sex with him. Because of her relative lack of normal girl-boy relationships—and, often, also because of less than ideal family relationships—she is responsive to him. Her friends are probably as impressed with the pimp as she is and most likely will encourage her to see him.

During this time the girl, if she is living at home, begins staying out late or even all night, and family arguments arise from her behavior. The pimp reassures her that he wants and needs to see her more often; he tells her that her par-

ents are interfering with their happiness, that they don't understand their love.

At this point the girl's ties to home are severely stretched—broken, and she may run away to live with her pimp. He introduces her to his friends and his other women and she finds a new "family" with them. When he asks her to perform sex with others for a fee, she agrees. She continues to show her love by working.

We believe that the "love approach" used by many pimps is a newer pattern in prostitution. Formerly, prostitution seems to have been more straightforward—the girl knew that she was a prostitute. Several of the girls we have talked with say that they are working to make a better life for themselves and their future husband.

From this stage, several "career lines" may be pursued. The girl may be promoted to another level in the prostitution system—moving from working on the street to working indoors, moving to another city or working for a mere professional or full-time pimp.

Another line may lead to a change in the girl's status. She becomes pregnant, or she may use her pregnancy as a way of getting out of the life. She may also see pregnancy as a way to keep her man.

Finally, the girl, as "business material," may be "used up" due to hard work, illness, violence, lack of physical stamina and use of drugs.

Working Independently

What about the girl who begins selling sex on her own? How does she learn about this "career," and why does she choose to try prostitution?

In our experience, most of the independent teenage prostitutes are poor, black and live in communities where they see other teenagers and women living at home and "working" as prostitutes. A girl is aware early of this social role and at some time may choose to try prostitution—and then decide to either stop or continue. Of course, most girls do not take this first step.

Within this perspective, the answer to why she decides to try prostitution is unique to each girl and could involve all of the personal, familial and situational factors described for girls who are recruited by pimps. However, the questions one would ask of a girl who began prostitution independently about why she chose to continue or take on a "manager" would be quite different from those one would ask of girls who were recruited by pimps.

Some girls simply need or want the money and think that prostitution pro-

vides an "easy" way of earning it. Because of the publicity given to runaways who engage in prostitution, this is a well-known pathway.

A girl who begins prostitution by working independently may "progress" to working for a pimp. Or, she may just experiment with prostitution for a short time and decide to stop. This is not an unusual pattern.

"Love" and Prostitution

Many adolescent prostitutes and youth workers believe that the main difference between many young prostitutes now and in the recent past is that the girls who now go into prostitution and stay in it do so because they are in love with their pimp.

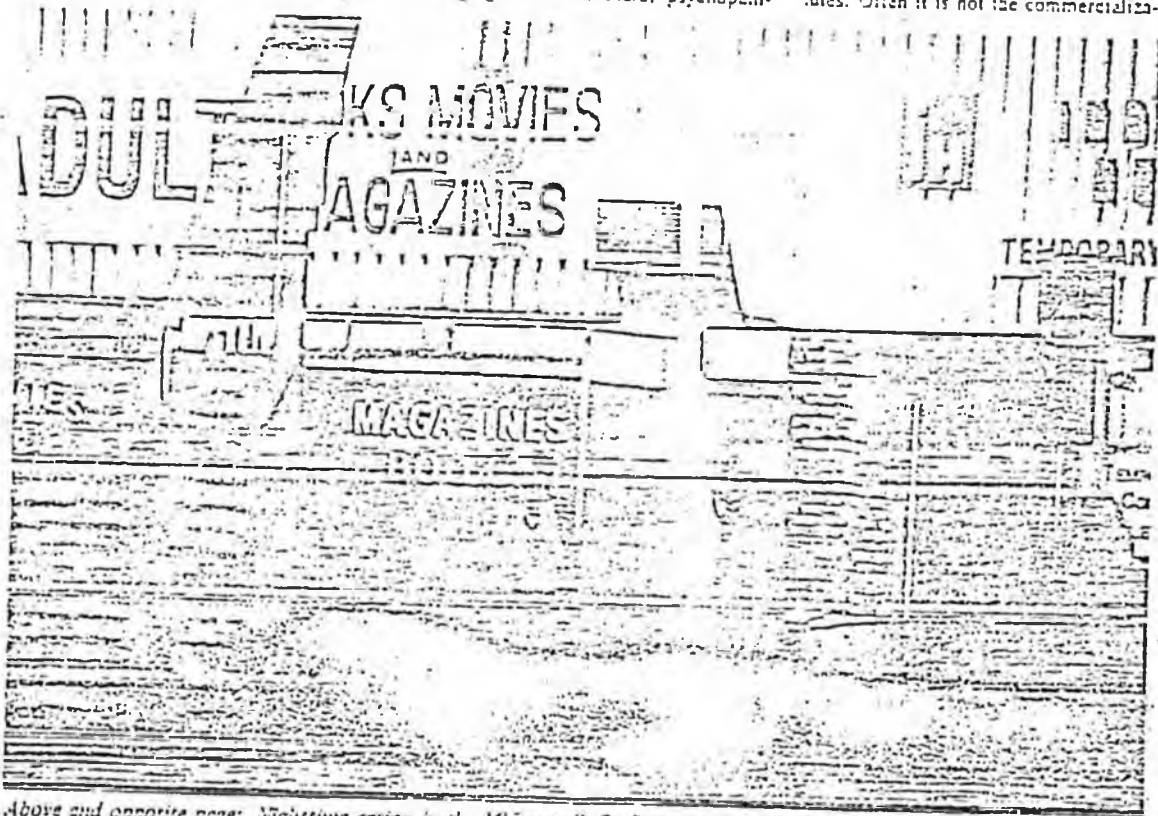
We think that there is more to it than this. We believe it is useful to distinguish between using the word "love" to describe a total feeling and experience and using it to answer such questions as "Why did you get into prostitution?" and "Why do you stay in it?"

"Love" may be a good answer to these questions; it has the capability of changing the moral and/or psychopath-

ological interpretation of a girl's status and behavior from something that is "bad" or "sick" to something only "sad" and "naive." "Love" is a culturally acceptable reason or explanation for feelings and behavior with which one may be uncomfortable, or which one may dislike or think will be unacceptable to others.

When asked to interpret what love means to them, young prostitutes have used such phrases as "feeling secure," "feeling cared for" and "being paid attention to." What we understand from these responses is that for some girls "prostitution" is not a reality. For them, what is real is that they are the pimp's "lady" or "woman"; this is what love means. (Girls in a "stable" compete with their "sisters" to be the pimp's "main woman" and work together to produce a good living for the pimp—and, thus, for themselves.)

It is precisely this reality which confounds many who seek to understand adolescent prostitution and which makes it so difficult to accept love as the answer to why young girls become prostitutes. Often it is not the commercializa-



Above and opposite page: Nighttime action in the Minneapolis-St. Paul area. The photographs were made from a special type of film used in police surveillance.

tion of sex which is at the root of our discomfort, nor is it the "immorality" of prostitution. Rather, it is the fraudulent manipulation of affection—the "con"—which outrages us. This is "puppy love" twisted and mangled for money and social status.

What Can Be Done?

To begin with a practical point, it should be noted that the involvement of some girls and young male pimps in fee-for-service sex is likely to continue. Efforts should be directed at controlling and keeping the phenomenon relatively small.

We see no simple or single way to control, reduce and/or prevent the phenomenon. No one social institution is solely responsible for action: police and courts alone are no more likely to achieve relative control and prevention than are education, counseling or "treatment." In most jurisdictions, no juvenile prostitution statutes exist. One could use petitions citing incorrigibility to hold the girls (the status offense group, or PINS) in detention homes until their cases are presented in juvenile court. However, in Minnesota, most of the depositions will not be to secure facilities, and the girl is able to return to the pimp.

A law enforcement approach directed toward the pimp will probably be futile. In our experience, attacks on the pimp only serve to bring the girl who loves him closer to him, and they simply move away or "go underground."

We have very little hope of discouraging pimping at the neighborhood level. Too many boys and men see the very few pimp "jobs" as the only ones open to them.

To arrest the buyers is an impossible task, given the size of a typical police force and the mobility of the pimps and girls. Laws focused on the buyer could be effective in raising the risk of going to a young prostitute, but it is likely that differential and selective enforcement of such laws would be seen. It may be easier to turn these men toward older prostitutes—assuming that their interest is in sex with a prostitute, not in sex with a teenager.

Regular customers can usually be spotted, since the girls stay in a relatively well-defined area. Reporters and photographers in the area and the threat of publicity could discourage some action. Community action could also be effective in keeping some men out of the

area where young girls are working; however, this might be risky for those involved for some retaliation by pimps could be expected.

A better approach, we think, is to examine the pathways described earlier which lead to adolescent prostitution and to use the insights gained to design multiple ways of intervening. For example, in public meetings or in discussions in schools, community centers and social and youth agencies, adolescent girls could be informed about how pimps recruit, train and supervise girls. They should have opportunities to meet and learn from girls who have engaged in prostitution. Parents, too, should be involved in these meetings. Rather than using a "scare" approach, however, in our work we focus on the larger topics of dating and sexuality, making the point that dating is a normal adolescent activity, one which is fun and necessary to healthy development. Prostitution is presented as a distortion and manipulation of this normal activity. This approach could also be used in high risk neighborhoods and specifically with girls considered at high risk of becoming teenage prostitutes.

Also, the more parents and young people are aware of teenage prostitution and its patterns, the more likely it is that opposition to pimp activity in an area or school will develop.

Education, however, must be coupled with other approaches and actions. For girls who are already involved with a pimp, education is probably not effective. For very young prostitutes, those aged 12 to 15, a law enforcement approach may be the only viable way to achieve temporary separation of the girl from the pimp. However, we believe that many girls who are pulled away by police will try to return to their man.

For all young prostitutes, shelters must be available so that those who want to leave can do so at once, with the knowledge that they will be secure and protected from reprisals by pimps, parents or police. Shelters, or "safe houses," modeled after shelters for battered women, may be a home, a hotel room or part of a runaway house.² There girls have opportunities to talk about their experiences and to receive medical help and psychological and vocational counseling. Youth workers can spread the word "on the street" that options to leave do exist and will continue to be available. The girls must know that shelters can be used more than once, and that they will not have to pay—with money or with loss of self-respect—for going there. Getting this information to

the girls and creating and sustaining such a service, however, are not simple tasks. In addition, there must be adequate protection—for both the girls and the workers—from retaliation by the pimp.

In the Twin Cities area, we are also making extensive use of street workers from youth agencies, who are available in the areas where the girls work to talk over feelings or problems, mediate crises with their families and pimps, and help them get to a safe house or obtain other assistance.

If all of these actions were undertaken simultaneously in a large city, it is likely that adolescent prostitution still would not disappear. Fewer young recruits might enter the life, but adolescent prostitution would probably continue on a lower level of activity and visibility. A community might be able to push out street prostitution, but it is much more difficult and dangerous to attack citywide, statewide and interstate organizations. To control these, Federal law enforcement powers are needed.

However, we do believe that effective action, in the form of public education, the provision of safe houses and the use of street workers, can be taken to reduce the number of young prostitutes. Clearly, there is no easy solution to adolescent prostitution, and we are only now beginning to address another problem: how to orient young girls, who may make as much as \$200 a day in prostitution, toward a limited number of legitimate jobs in which they may be expected to earn, at best, a minimum wage. (Although girls working for a pimp turn their "earnings" over to him they receive, in return, support, lavish gifts and recognition from him.) And we must face the fact that there are few jobs for girls aged 12 to 16.

We emphasize that prostitution is, indeed, a dead-end job and provide vocational counseling and training to help them acquire skills for jobs which hold more promise for the future. □

² A metropolitan task force has recommended various legislation, including changes in laws which would increase time in prison for pimps and make it easier to convict them, and new legislation which would create service programs for the girls. In Minneapolis, for example, one shelter for young prostitutes and their children is funded by the Youth Development Bureau, ACYF, as part of the Minneapolis Bridge runaway project.

3/8/83 Anchorage Times

Rodriguez told to hire attorney in child sex case

by Jeff Berliner
Times Writer

Carlos "Chico" Rodriguez was ordered Monday to pull every cent out of banks in Miami to hire a lawyer to defend him on 29 felonies involving child prostitution and pornography.

Rodriguez told the court he has \$4,900 in Miami banks, but said lawyers he has contacted here would not defend him for that amount of money.

Lawyers who have bowed out of the case agree that it will take an enormous amount of time and work to defend Rodriguez on the 29 felonies.

Since Rodriguez cannot afford to pay for the work and since a number of lawyers have bowed out citing conflicts of interest, the court is in a bind.

"We're going to get you an attorney one way or another," Superior Court Judge Ralph Moody told Rodriguez Monday at the fourth court hearing set up for that purpose.

"We're working on this constantly. We're trying to get this resolved," attorney Peter Mysing told Moody. Mysing's firm, Drathman and Weidner, represents a youth allegedly victimized by Rodriguez. So does the Public Defender agency. And so does the firm of Lynch, Farney & Crosby.

Mysing said the two law firms — assigned to take cases which the public defender must refuse because of a conflict of interest — were discussing the issue with court administrators and trying to resolve the problem.

In his first statements in open court since he was returned to Alaska from Florida last month, Rodriguez told Moody he expected his girlfriend to sell her Miami house to raise \$30,000 for



CARLOS 'CHICO' RODRIQUEZ
Lawyers have quit

his defense.

While acknowledging that he had bank accounts with \$4,900, Rodriguez told Moody he had bills to pay, J.C. Penneys, for example.

"You have more important things to worry about," Moody replied.

"I always pay my debts your honor," Rodriguez said.

Rodriguez is being held in the Sixth Avenue jail on a \$1 million cash-only bail. The indictment charges him with running a juvenile pornography and prostitution operation out of his Anchorage home at 1302 W. 26th St.

Anchorage Times

3/13/83

Child sex abuse 'epidemic' hits home

by Jeff Berllner
Times Writer

"Catastrophic" is the term Anchorage Superior Court Judge Ralph Moody uses.

"Epidemic," proclaims assistant Attorney General Gayle Horrestki.

Once something thought to occur in New York, Los Angeles and other big cities, it was something you read about in national magazines, something horrible but safely distant.

Now it's hit Anchorage.

Some say it's been here for a long time but the community refused to admit it or recognize that it existed.

The sexual abuse of juveniles by adults, Alaskan adults sexually attacking Alaskan children.

"It's the grossest, most vicious (thing) you could possibly imagine," says Fairbanks District Court Judge Gerald VanHoomissen.

"I don't want parents to get

paranoid, but we're all vulnerable," says John Niethamer, executive director of the Boys Club of Alaska.

"Anchorage is a big city. We have it," says police chief Brian Porter of widespread sexual abuse of children by adults.

Be it a new problem or not, people in Anchorage are being bombarded by news of it — in the courts, in the press, in everyday life.

See Child, page A-4

THE UGLIEST CRIME

Sexual abuse of Alaska's children

Today The Times begins a multi-part series with an overview of the problem. On Monday, the victims speak out.

Child sexual abuse 'epidemic'

hits Anchorage

Continued from page A-1

"The number of prosecutions has mushroomed," says assistant District Attorney Elizabeth Sheley.

"People ought to open their eyes," says Bonnie Schnell, the grand jury foreman who, with 17 other grand jurors, listened to 20 youngsters tearfully reveal their involvement in a pornography and prostitution ring run by adults. The grand jury returned a 29-count indictment against one of the men alleged to be a principal in that operation.

No longer just isolated incidents of a man raping a young girl or a boy being fondled by an adult, the past 12 months have brought case after case of multiple victims, mostly young teenage boys.

In one of the largest, police have evidence of a massive juvenile prostitution and pornography ring that involved at least 60 children, aged 12 to 16, mostly boys.

Many of the cases involve adults in positions of public trust: the former assistant director of the Boys Club stands accused of six separate incidents of molesting boys; a former foster parent and juvenile probation "pass partner" stands accused of eight acts of molesting boys; a rural school superintendent has been sentenced to eight years in jail for molesting boys; a bus driver has been sentenced to 23 years in jail for molesting boys; a former public safety officer has been jailed for molesting boys.

All typical citizens taking typical children and doing previously unmentionable things to them. It's illegal. And in increasing numbers, these adults are getting arrested.

The children most often preyed upon are runaways — many of them running away from the sexual abuse of an incestuous home life. They find that sex-for-sale may be the only way to make a living in the world where you're too young to get a



job, you have no skills and you've dropped out of school.

Anchorage had 563 runaways in 1932, according to police reports, and another 325 juveniles are simply listed as "missing." The youths who do not return home often depend on selling their bodies for survival.

Chief Porter has three investigators working on cases of adults sexually molesting children. If he had more money, the chief says, he'd throw more investigators at the problem.

"We're flooding the court system," Sheley says. She works full-time doing nothing but prosecuting adults accused of molesting juveniles. Her colleague in the Anchorage district attorney's office, Paul Olson, spends half his time doing likewise; the rest of

his time is spent on adult sexual assault cases.

Olson is preparing to prosecute Carlos "Chico" Rodriguez, indicted for 29 sex crimes against juveniles in what police described as a child pornography and prostitution ring.

And because there are so many cases cropping up, Anchorage District Attorney Victor Krumm is considering adding a third prosecutor to the sex crimes unit he created just 18 months ago.

Fifty cases are awaiting prosecution in Anchorage. Two or three new cases are referred to the Anchorage district attorney's office for prosecution every week. That's a 100 percent increase over last year, and more of this year's cases involve multi-

ple victims.

Judges in Anchorage are so sickened by the constant parade of sexual offenders, Sheley says, that prosecutors are winning long jail terms for convicted offenders. One judge — after two straight weeks of hearing juvenile sex abuse cases — opted to have a murder case come before him to get a break from the cases of adults molesting children.

Dr. Roland Summit, a psychiatrist from UCLA, speaking at a sexual abuse symposium in Fairbanks last year, estimated that 500 Alaskan juveniles at any given time are victims of sexual abuse.

Half the boys at McLaughlin Youth Center have been sexually abused, according to George Buhite, the center's clinical services administrator. Even more of the girls have had sexual encounters.

Odyssey House, the national organization leading the fight against child pornography and prostitution, has sent one of its nationally recognized experts, Glen Lambert, to Alaska to help advise McLaughlin counselors — to tell them what to look for, how to spot the problem, how to deal with it.

Lambert, of the Salt Lake City Odyssey House, said his first audience in Fairbanks expressed disbelief when he confronted them with figures on child sexual abuse in Alaska. Last month, when Lambert offered advice to McLaughlin counselors, he said no one questioned the problem's existence.

Incest victims frequently become involved in prostitution, even when they have run away from sexual abuse at home, reports Marguerite Lupori of Parents United, a local group organized to fight incest.

By age 16, one in five girls will be abused and one in 10 boys will have been molested, Lupori says, citing Division of Family and Youth Services figures.

There were 64 cases of sexual abuse reported to the Department of Health and Social Services in 1982, and 385 suspected cases.

Reporting of cases of adults sexually abusing children is up partly because tough new laws require certain professionals — doctors, nurses, social workers, teachers, youth counselors — to report them to the police or face 90 days in jail for not doing so.

Others are reporting the crimes, too: parents, the children themselves and their

friends. The taboo against talking about sex — especially sexual abuse and homosexual abuse — is dropping away, leaving people more inclined to report incidents.

This change has been noticed by the police chief, prosecutors and others.

"These cases were virtually not prosecuted until two years ago," Sheley says. People simply did not come forward.

Porter and two of his aides give much of the credit for the breakthrough to officer Eric "Frank" Feichtinger, who has won the confidence of sexually assaulted boys. And because they have talked to him, he has been able to gather evidence to bring to court.

Officials are bringing it out in the open, too. Gayle Horetski, who works out of the chief prosecutor's office in Juneau, has testified before legislative committees about the "epidemic." And last week she finished re-writing a package of laws to close loopholes through which she claims some sex offenders slip.

Lupori is working with Marryce Hall of the Anchorage Crime Commission's juvenile committee to expose the local problem publicly and suggest solutions.

And STAR — Standing To-

gether Against Rape — is planning to make its educational campaign a permanent part of the public school curriculum — beginning in elementary school.

Anxious to help male and juvenile victims also, STAR reports a ninefold increase in reported sexual assaults against males the last two years. STAR also reports that 43 percent of victims of sexual assaults are youths 18 or younger.

At a recent sentencing, Horetski told the judge the problem has become "epidemic in our society," and the judge, Ralph Moody, handed down a 33-year jail sentence to a man convicted of 22 sex offenses against boys.

"We've got to let people know in this society that we won't stand for this kind of abuse," Moody said.

Adults who turn teenagers and younger children into sex objects either for pleasure or pay are going to jail. Sheley reports that prosecutors here have a 99 percent conviction rate.

A package of new, tougher laws Horetski has given to the governor may make it even tougher on offenders.

Though the adults may end up behind bars, the children end up scarred, perhaps for life.

Monday: the victims talk.

Boys lured into city's sex-for-profit operation

by Jeff Berliner
Times Writer

Brave burglar and child pornography star — that's Joey.

But that is belied by Joey's soft-spoken shyness and embarrassment about how he got into robbing Anchorage homes and starring in locally-produced sex films.

Joey is no isolated case of abuse. Incidents of Alaskan adults sexually assaulting Alaskan juveniles has reached epidemic proportions, state officials say. In every classroom of 16-year-olds in the state, experts estimate that one in every 10 boys

has been attacked and one of every five girls has been molested.

Half the young people in McLaughlin Youth Center have been sexually assaulted. Prosecutors cannot keep up with all the cases police are finding. The once well-hidden cases of occasional incest or isolated rape have mushroomed, and now regularly include cases where there are multiple victims

In one operation, as many as 60 youths aged 12 to 16 worked in one pornography and prostitution ring in Anchorage. Here are the
See Friend, page A-5

THE UGLIEST CRIME

Sexual abuse of Alaska's children

Once something thought to occur only in big cities, the sexual abuse of juveniles in Alaska has reached 'epidemic' levels. In this multi-part series, The Times examines the problem. On Tuesday, a look at child pornography.



3/14/83 Anchorage Times

'Friend' lured victim

Continued from page A-1
stories of three of the young victims.

"I was having problems at home," Joey says, almost embarrassed now that he ran away from home when he was 12 years old.

He had to do it, he says. He now wishes he had never done it. He justifies it by describing a horrible family life, but realizes — even as he talks — that he fell into something much worse than what he left. His life was not bad by any stretch of the imagination and his long-established Alaskan family had more money than most.

He fought with his step-father and fled to other relatives. "Please don't write about my family," he says, trying to preserve what was once there and what he's now trying to put back together. Though he lives apart from his patched-up family, they visit. Old wounds are healing.

But Joey still shows the scars of newer wounds inflicted in the life he embraced when he fled from home. Introduced by someone older, someone he knew and respected, to a man who expressed interest in his troubles, Joey thought he had finally escaped homelessness and chaos.

The man befriended Joey, offered him some affection, a place to stay and a job — selling drugs. A perfectly normal kid by his own account and according to his psychologist, Joey never returned home, never returned to school where he had been doing well, and suddenly his only friends were the other runaways he found were his new roommates at a house in Spenard.

Years of burglaries, forced sex, drug dealing and numerous arrests later, Joey is trying to put his wrecked life back together. And he is talking — for the first time — about what happened to him.

Now a feisty young man growing out of his teens, Ronny clams up and wants to change the subject away from that day when he was 12 years old, that day he ran away, upset and confused, from the Anchorage home where he had lived his short life.

Although he agreed to talk, he keeps trying to change the subject to what he is doing now, how he's trying to gather the widely scattered pieces of his young life and put them back together. He can't fully admit what he allowed grown men to do to him. Tough as he is, street-wise, a fighter, defensive and grown into an adult before his time, Ronny can cuss up a storm and brag about crimes he got away with. But he can't talk about those sex films with men. Then, suddenly, he blurts out that he would like to kill the man who changed his life.

Having said that, having gotten that off his chest, sighing, he talks about himself as a child and how he got dragged into a strange adult world of sex and violence and drugs that he — and most people in Anchorage — previously did not know existed, certainly not here.

Standing near the Fireweed Theater, his thumb out, Ronny was 12 and looking for a ride farther away from his nearby home shattered by alcohol and suicide when his life changed.

He had rarely traveled out of his own neighborhood before, except with his family. Yet there he was — still in his own neighborhood — his thumb trying to flag down a way out.

Angrily asserting that he was then a normal kid, he quickly adds that if he is not now leading a normal life, it is because of the man who stopped to pick him up — a warm, friendly guy.

But it was too late — the man had pulled up, motioned him in

with a smile, offered him a joint and a warm place to stay, and Ronny's life has not been the same since.

And bit by bit, he acknowledges the years of allowing himself to be sexually abused on film.

Ronny's biggest concern is his family — the one he left destroyed behind him and the new one he has haphazardly created: a young baby he doesn't live with and a new girlfriend far away.

Ronny ran from one chaotic situation to another. His Anchorage family of many generations has disintegrated and Ronny, in the slurred slang of a school dropout, knows he can hardly keep his own life in one piece, much less his families of then and now.

He set out to escape drink and suicide at home. What he met was a life of drugs and sex and burglaries.

Barely in his teens, living in an idyllic Alaskan setting, the mountainside retreat called home was wrecked by the screaming and fighting going on inside the house. In fact, it drove Pat out.

He was brought back, but he left again.

New tangles with a step-parent got him sent to a foster home, but that didn't work any better for Pat, and he ran from there, ending up getting some professional counseling and a bit of schooling. He never completely cut his ties with his home, his family, and his education. Nor did he get out of being a burglar, a drug dealer and a prostitute until recently.

But a certain inner strength — which comes across in his gruff self-confident speech — kept him straddling both worlds and never moving in with a man who opened his door to Pat.

While he never completely cut his ties with home, he never moved back in either and was on the streets constantly at age 15 after earlier brief experiences living the life of a runaway.

Describing himself as a normal kid who took vacations with his family, who led a relatively regular life, Pat admits he just couldn't get along at home. But never willing to give up, he tried to pick up skills. Too young to get a real job, his main skills were as a burglar, drug dealer and prostitute for both men and women. Now highly skilled and working successfully at his business in Anchorage, Pat still remembers that day he went to the house of a man he didn't know to sell guns — stolen guns.

Joey did not use drugs and did not sell them. But having run away from home and needing a place to sleep, Joey jumped at the hint of a job — even if it was delivering drugs.

is into pornography ring for cl

But his first delivery never got completed. Robbed of the 1½ ounces of cocaine and beat up by the two robbers, Joey returned to his supplier, crying and empty-handed.

He was told the drugs were worth about \$4,000 and he would have to work to pay it all back. Work he did — burglarizing homes, selling more drugs and acting in pornographic films with boys, men and girls.

Later he learned he was set up. The robbery had been a fake. It was a scheme to make him indebted and scared and turn him into a burglar and child porn star.

Joey was paying his "debt" slowly. The burglaries would give him the goods to sell. The money he earned for selling the stolen goods went right back to his self-appointed "benefactor."

The benefactor "got mad at me because I wasn't paying him (back) fast enough," Joey says.

He was told that "a faster way to pay me off would be to make these movies for me." He said he'd kill me if I didn't.

In one frequently filmed nude scene, "He handcuffed me to a chair and used sadist articles like whips. Plus he was taking still pictures."

"He made me cry a lot of times. It showed up on screen. I begged him to stop..."

How often was this scene filmed?

"Almost every time except when I was with the women..."

He was filmed on "payday" — not the days he was paid for the goods he stole, but the day he was to pay installments on his debt. Wednesdays and Saturdays were Joey's payday.

But those were the days he also picked up more drugs to sell — diluting them to make them go farther so he could earn a little extra money.

"I needed a place to stay. I needed drugs to sell and make money for myself. It's kind of hard in the winter."

Burglary became his main job.

"The more you do it, the easier it becomes. I would have quit. It was scary, but he forced me and I got to the point I wasn't scared."

No one ever got caught pulling a job for the man, Joey says.

"He set up the places and told me how to do it. He took me there and I did it... He'd tell me what to grab. He knew what was in the house. It was big houses and every time I went they was never home. Nobody was ever home."

"He always made me do it by myself. I'd have a bag or a pillow case and he had this old station wagon and we'd load up the back of it. He knew where the stereos was. And the TVs. He waited out

somewhere close by so I didn't have to carry the stuff very far.

"We'd go back to his house and he'd give me money for it. He'd pay me for things I got. Like stereos he'd give me \$150 or \$200. TVs \$50, \$100. Guns \$150, \$200.

"If there was a gun, he'd know where it was. It'd be surprising. He'd tell me there was a gun under the bed in so-and-so room and there'd be a gun there. I don't know how he found out but he did."

How many jobs did Joey pull?
"I lost count. It was a lot. It got to where I was into burglary so much I lost count."

Over the years, Joey says he probably committed 300 to 400 burglaries in Anchorage and neighboring communities. Only a handful of times was he ever caught.

Drugs, filmed sex, burglaries — that became his life and everyone he knew was involved.

"It was kind of like our job."

Joey says he'd like to kill his former "boss" for "12 months of torture... which Joey says "ruined my life."

Why didn't he do something about it back then?

"He was real scary. But he was somebody who protected you and helped you with money and food and stuff and a place to stay. He'd be like a friend. It never crossed my mind to kill this guy."

Why didn't he run away?

"Where was I going to run to? I couldn't go back home. There was nowhere to go."

Alcohol, suicide and bad times at home chased Ronny into the streets where he found drugs, sexual torture and more bad times.

But it wasn't that way at first, Ronny says. When he climbed into the stranger's truck, "we got started cruising around. We went over to his house and he offered me a place to stay. And he set me up with different broads" — for money.

But all the money was supposed to go to the man. When he found out that Ronny was soliciting "tips" on top of the "rental" fee, he "slapped me around for talking about money."

Ronny says he desperately needed a little cash. "I was only in the sixth or seventh grade and I wasn't working."

Films followed.

"He told me if I ever told anybody about his film equipment, he said he'd kill me."

Ronny's sex setup here was good when he was rented out to women, he says, and he per-

formed in films with two lesbians.

Ronny was paid for films, but burglaries were more lucrative, he says. His supplier "paid in cash and dope" for the "jewelry, furs, stereos, guns — especially pistols" which Ronny brought him.

Ronny was paid in every kind of drug he could want — "opium, hash, quaaludes, speed, everything, coke."

Drugs and money lured him while the sexual torture repelled him.

Why didn't he leave?

"When you think the whole world's against you and you're 12 and he makes out like he's your friend, he's got you. He acts like he's your best friend and you're so down and out and lonely."

He seems to understand and justify why he never fled that life then. But now?

"I'd like to kill him."

Pat was used to hard times and when he and his friend came across this guy who handed out drugs so freely, bought their guns and offered to buy more, Pat recognized what for a kid on the streets was a good thing — or at least as steady an income as he could hope for.

Naive even for a teen-age runaway, Pat's "good thing" took on a new turn.

The fence (someone who buys stolen goods) told him, "I need a boy for women..."

Pat had no sexual experience. He didn't know what he was getting into. But it promised him a steady income.

"When I was 13, I used to sell

Children

myself for money," he now says matter-of-factly, describing it as a "rent-a-boy" operation.

"Sometimes they'd rent kids out for the weekend," he says. "It wasn't cheap."

For a one-night rental, Pat said he pocketed \$100, while \$300 to \$500 went into the pockets of the men who ran the sex ring.

He was rented some 50 times for weekends, Pat says. Usually it was men who sought his services, but a few women used him, too. When Pat freelanced, selling himself on the street, on his own, he charged up to \$150 per hour.

Pat says the man "offered money and everything you could imagine" to get him to act in sex films, \$100 to \$150 per film.

"He just gave us drugs, 'ludes (quaaludes) and everything."

Pat started selling the drugs, and stealing — selling jewelry and other stolen goods.

Pat says he even broke into the man's house once where he says he saw "whips, shackles and handcuffs in the bedroom . . . and piles and piles of magazines. He had guns all over the place, laying on his bed."

"He had a lot of control; he had a lot of power," Pat says, and a lot of drugs and money to pass out.

Pat says he didn't know what was normal and what wasn't, what was right and what was wrong.

Now, he says, he knows. "I grew up fast."

The man who allegedly did these things is in jail in Anchorage.

Pornographers find young victims on city streets

Jeff Berliner
Writer

In the basement of a house in Anchorage, a group of teen-agers hang their clothes. They're stars of pornographic movies.

Over a five-year time span, the youths, and dozens of others like them, appeared in hundreds of films, made at a house on Spenard. From Anchorage, the films disappeared into the seamy underground of child pornography.

Child pornography is big business, a multimillion-dollar business. And it's illegal, both nationally and in Alaska.

Once thought to be something that thrived in big metropolitan centers, child pornography has been produced in Anchorage on a commercial scale since about 1976, according to police.

The going rate for adult pornography is doubled or tripled if juveniles are featured, said Myron Ace, once Alaska's largest operator of adult book stores. An 8mm adult film sells for about \$25; a videotape goes for between \$65 and \$100.

A 30-page magazine featuring a juvenile in homosexual scenes may be purchased over the counter.
See Child, page A-5

THE UGLIEST CRIME

Sexual abuse of Alaska's children

Once something thought to occur only in big cities, the sexual abuse of juveniles in Alaska has reached 'epidemic' levels. In this multi-part series, The Times examines the problem. On Wednesday: procuring the children.



3/15/83

Anchorage Times

Child porn is big business

Continued from page A-1

counter in Anchorage for \$15.

"There are over 400 publications that deal exclusively with child pornography," said Glen Lambert of the Utah Odyssey House, the organization leading the fight nationally against what is commonly called "kiddie porn." Lambert has advised youth counselors in Anchorage about sexual abuse of juveniles.

No one knows how many pornographic films depicting juveniles may be in circulation or available for sale. Anchorage ordinances forbid the sale of sexual material depicting juveniles. State law prohibits its production in Alaska.

Yet sexually explicit magazines involving juveniles have been purchased at Anchorage adult book stores. These nationally distributed magazines traditionally do not bear addresses or dates or place of publication — making it difficult to determine ages of the models. Some publishers protect themselves by printing a notice at the beginning of the magazine that all models depicted are over 18.

One of the nation's largest publishers of adult entertainment has joined a campaign against juvenile pornography. Al Goldstein, publisher of "Screw" magazine, told The Times that he is "appalled and disgusted" by the use of children in sexually explicit material.

Goldstein has joined Dr. Judianne Denson-Gerber, a psychiatrist and lawyer, in leading the fight against child pornography.

"Among the pornographers I know, it's abhorrent," Goldstein said. "I know no one who is into this. If I did, I'd report them. It makes it harder for me to defend erotic behavior between consenting adults."

"There's enough money in the adult pornography business that you don't have to get into that," said Ace.

Pornography is a \$2 billion business in this country and child pornography is thought to make up no more than 5 percent of the trade.

"It exists. There's a market," Goldstein said. "It's a very high mark-up item. The more bizarre the fetish, the higher the price."

Ace said he gets regular requests for child pornography at his adult bookstores and has been approached by makers of child pornography in Anchorage to buy material produced locally.

Customers request "chicken stuff," Ace said, a euphemism for pornography depicting juveniles. Those who make and distribute it are known as "chicken hawks."

Child pornography is difficult to obtain, Ace said. He gets long distance requests for it in Anchorage, including a regular inquiry from Canada.

Most child pornography is distributed through the mails, a fact that angers Odyssey's vice president, Jean Lothian. She said the material passes freely through the postal system, often between members of groups such as NAMBLA, the North American Man/Boy Love Association. The postmaster general and customs officials do nothing, she said.

Several years ago, U.S. customs officials in Alaska intercepted some material and a Fairbanks man was arrested and sentenced to 40 years in jail. James Cameron, special agent in charge of the customs office here, said another case is now under investigation.

Last November, Anchorage police arrested Carlos "Chico" Rodriguez on 29 counts of sex crimes against minors. Police believe he was connected with making juvenile pornographic films here.

What authorities know about Anchorage-made kiddie porn comes from the actors and actresses involved in these movies. The Times interviewed several of these youths, with the guarantee of anonymity.

The films produced in Spenard ranged from 15 to 30 minutes, though some were as long as 50 minutes. Both silent and sound movies were made. The ones with sound often had nothing more than just that: sounds. Still shots were also taken. The actors were given a sexual situation and told to ad lib.

The films were fully produced, in color, with a beginning and end, and had titles like "Sensations" or "Doggie Style," but no credits.

"They looked professional. But there was no plot — just sex," said one actor.

All sexes and ages were represented in the movies and some involved people and animals. The sexual configurations were varied, as were the sadistic devices used as props.

One actor said he was handcuffed for 45 minutes; another recounted a session where his hands were handcuffed to a chair and his feet were tied.

Many of the films made in the house were previewed by the actors. Other films were shown there — apparently to arouse the audience and encourage "spontaneous" orgies which were filmed by hidden cameras.

The number of actors involved in the weekly film-making sessions was small, but rotating.

"I knew nine that were acting and there were about 10 or 15 I didn't know," said one actor. Another actor knew a few different participants in the film-making. Several others who were aware of the filming report they were offered \$150 per film.

Actors and authorities alike agree that most or all of the films were eventually shipped to the Lower 48 for distribution.

One youth said there was no local underground trade in the films in Anchorage because it was safer to ship them outside Alaska where none of the participants or locations could be recognized.

Odyssey House's Lambert tends to agree. Child pornography "is a real business," he said. "Producers usually don't distribute and distributors usually don't see what they're selling."

STAR — Standing Together Against Rape — devoted its last newsletter to child pornography and STAR's executive director and her predecessor are working with the Anchorage Crime Commission to halt child pornography in Alaska.

But, as the Goldstein points out, as long as there are people willing to pay for the material, it will exist. And as long as there are children available — usually runaways are the most vulnerable — child pornography will be produced.

'Throwaway' youths become easy targets

by Jeff Berliner
Times Writer

He was very much a father figure.

He was old enough to be a father to the young teens he befriended, but he acted more like a peer.

Offering friendship, money, drugs and shelter to youths on the run, they saw in him a genuine escape to a better life.

Bedecked in jewelry, driving a souped-up car" and passing out drugs and money, this small, outgoing, generous man circulated through an Anchorage game room, acting, in the words

of one victim, "like he was your best friend."

Only later did the youths learn that his real motive was to turn them into prostitutes and burglars. In fact, as many as 60 youths, aged 12 to 16, mostly run-aways, were attracted to this man, police said.

But this man did not work in isolation. Groups of youths involved in drugs, pornography, prostitution and burglaries operate out of 30 houses around Anchorage, according to police chief Brian Porter and Marroyce Hall, chairman of the Anchorage

See Procurers, page A-5

THE UGLIEST CRIME

Sexual abuse of Alaska's children

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3/16/83 Anch
Times

Procurers seek lonely youths

Continued from page A-1
Crime Commission's committee on organized crime and exploited children.

The two called a press conference Tuesday to release a report detailing the existence of organized juvenile crime rings in which adults gather youths for the sole purpose of using them for burglaries, drug dealing and commercial sex.

How do adults lure these youngsters into their web?

Most of the youths go willingly, Porter and Hall said, picked up at Anchorage game rooms and shopping center malls. In isolated cases, juveniles have been kidnaped. Some youths interviewed by The Times said they knew of cases where adult procurers brought young teens to Alaska from Outside for use as prostitutes and actors in pornographic films.

Many ingredients help lure these boys, who are mostly in their early teens, mostly runaways.

The procurers are very adept at "reading" vulnerable young people, Hall said. They know what to offer the youths: affection, money and a means to make more money.

All too often the affection is phony. But the money is real, especially to a runaway without a job. One youth interviewed by The Times boasted that he once had \$6,000 in his pocket. He said he enjoyed the frills and thrills and riches he could never afford in his broken home, though he didn't like being a prostitute or having an adult "rent" him for the weekend.

A man under arrest for running a juvenile sex-drugs-burglary operation used to brag that he had a group of youths working for him who would do anything, according to Myron Ace, who once ran Charlie Brown's, a game room which the man used as a pickup point.

This man "was admired by the kids at Charlie Brown's," Ace said. "He was their buddy.

He had the kind of personality the kids respected. Kids came up to him and said, 'Hey, how's it goin'?' He was coming in pretty regular. He was a big wheel thriving on his own little harem and kingdom."

The same man, said a snack bar attendant at the game room, "would come in acting like one of the kids and talk to the kids there," flashing bills — 20s, 50s, even \$100 bills.

The man used cash and drugs to lure the youths. And he had a good supply of both.

The dealer who supplied most of this man's drugs bragged that he did a \$25,000-a-month business with him. "I supplied everything — marijuana, PCP, acid, uppers, downers, everything," he told The Times.

The youths attracted to the likes of this man often had their sexual boundaries destroyed before they even met him, according to Marguerite Lupori, a member of the juvenile crime commission and outreach director for Parents United, a group which fights incest.

Many of them had run away to flee sexual abuse at home, Lupori said. When they discovered that their sexual services were required again, it was easier to submit: their values had been distorted and once-precious boundaries violated. When sexual services were required for drugs, money and a warm place to stay, the price didn't seem all that high, Lupori said.

But sexual abuse and burglaries lead to more of the same — according to the youths themselves. After a while, burglaries are no longer "scary," and sex becomes easier.

When these youths finally break out of the pattern of sex-for-hire and burglaries-on-command, they often need long-term treatment, said Glen Lambert, a national consultant who journeyed from his Salt Lake City Odyssey House counseling service to Anchorage to advise counselors at McLaughlin Youth Center.

And their attitude changes. Once removed from the situation, several youths interviewed by The Times voiced a desire to kill the men who forced them to rob houses and sell their bodies.

"It's easier a couple years later to say, 'I'd like to kill that guy,'" said Lambert.

But before a youngster reaches that stage, he will more than likely defend his abuser, experts said.

"A child is having problems with his own family and is befriended by an adult who subverts that relationship to himself," Porter said. That youth may remain subverted until, perhaps consciously, he manages to get caught committing a burglary, Porter said.

"The most common way to get out is to get caught," Porter said. And once caught, the youths end up at McLaughlin.

Half the youths there have been sexually abused, said McLaughlin Clinical Services Director George Buhite. Hall's juvenile crime committee thinks the number could be higher.

"A lot of these kids don't feel good about themselves and their bodies," Buhite said. "They don't respect themselves. They don't care in a sense."

They are "easy" victims.

Odyssey House vice president Jean Lothian characterizes the victims as "runaways, usually running away from sexually abusive homes. They have a great need for affection and no family to protect them. Many are 'throwaways' tossed out by their parents. They are easy prey, lost and lonely kids."

The abusing adults "give the kids what they need," then condition them to be passive.

"Kids are very protective of the people who abuse them," said Odyssey House's Lambert. "We usually find loyalty to prostitution clients and the abuser."

Many youngsters leave a bad home situation and end up in a worse one.

"It's a choice of one hell or another," Lothian said.

3/16/83 Anch. Daily News -

Children are prey of local crime rings

By TOM KIZZIA
Daily News reporter

Children in Anchorage, particularly runaway boys, are being systematically twisted by manipulative adults into burglars, drug peddlers and child prostitutes, a committee of the Anchorage Crime Commission charged in a report released Tuesday.

These organized rings account for much of the thievery in Anchorage and some have ties to child slavery and pornography networks in the Lower 48 and overseas, the committee report said.

Anchorage may have as many as 30 of these rings, keeping youths between the ages of 12 and 17 in thrall by a combination of threats and

offers of safety, said Marroyce Hall, chairwoman of the Crime Commission subcommittee on juvenile crime. She said their existence has come to light in the past two years through police interviews with repeat juvenile offenders.

The report, based primarily on interviews with Anchorage police and other law enforcement officials, says the problem appears to be worse here than in other parts of the nation.

"Nationally, organized crime has discovered children and youth to be a highly marketable commodity," the report says. "Anchorage hardcore adult criminals have also

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found juveniles to be saleable for a variety of criminal activities and sexual abuses limited only by the imagination and resources of the criminal minds involved."

The committee report attributes the "large scale" activities here to Alaska wealth as a draw to criminals, heavy drug and alcohol abuse, a young and mobile population, and overloaded law enforcement and court systems.

The report also says, "Increasing openness regarding homosexual activity has created in our community and in most communities a market for young, male 'street hustlers,' serving the needs of raising homosexuals."

Hall said a second report containing committee recommendations would be released in 30 days.

"The volume (of these cases) we are now getting is alarming, but we only see the tip of the iceberg," said Anchorage Police Chief Brian Porter.

In the biggest case currently before the court, Carlos "Chico" Rodriguez has been charged with 29 counts of sex crimes against juveniles, in-

cluding the making of pornographic movies. Rodriguez was extradited from Miami, Fla., after his indictment here last November for alleged activities between 1978 and 1980, and is scheduled to go to trial April 25.

Child pornography produced in Anchorage, including movies and still photographs, is usually shipped Outside for commercial distribution because actors would be recognized locally, Hall said.

"These (pornography) organizations have been directed by criminal organizations from outside the state of Alaska," the report says. Hall and Porter did not provide specific details at a press conference called to publicize the findings, except to say that in one case several years ago pornographic material made in Alaska was traced to a market in Germany. Hall said the FBI was investigating these connections.

Boy prostitutes who command high fees are drawn from local transients and are also shipped north from Outside, Hall said. "Virtually all juveniles living out of the home are exposed and many still living at home are exposed," the report says.

The report cites law en-

forcement estimates that 75 percent of the boys incarcerated at McLaughlin Youth Center have had some kind of homosexual contact with an adult.

Porter and Hall said while victims of individual child molestation cases may be more numerous than the victims of the organized rings, it is the groups that wreak the most havoc on the community.

The report charts a course by which runaways, frequently from broken homes, become "throwaways." These youths gather in so-called safe homes where they find friendship and shelter under the wing of an adult.

"While the nation and community has long recognized the difficulties caused (by) individual or loosely knit groups of juvenile offenders, findings indicate this problem becomes infinitely more serious when this juvenile population falls victim of street wise individuals who perceive youth as a commodity or a weapon to be turned against society," wrote George Nelson, chairman of the Police/Crime committee of the Crime Commission, in a letter accompanying the report.

These modern-day Fagans cruise gathering places, in-

cluding malls, video parlors, and reputable youth groups, with a keen eye for character traits suggesting a child can be moved into their underworld system, Hall and Porter said.

The men who run the rings can be well-liked people with connections to the "straight" world, they said. "There's no stereotype of the unshaven man hanging around schoolyards," Porter said.

Mainly they are looking for boys instead of girls, because they make better burglars and are more marketable as prostitutes, Hall said. "For some strange reason the homosexual aspect of young boys is 'in,'" said Hall, who apologized several times during the press conference for having to "bring this rotten stuff before the community."

Once they have been drawn into the Anchorage underworld, the boys frequently go to work as thieves, the report says. "It is common knowledge that large scale fencing operations exist within the Anchorage area as is evidenced by the very small percentage of stolen property that is recovered and the relatively high frequency of recovery of stolen property from Alaska in other states,"

the report says.

Some become middlemen in the local drug trade to juveniles, according to the report. "It is virtually impossible for any young person not to be exposed to drugs, and not just marijuana, beginning in junior high school," the report says.

The need for drugs and money, and the manipulations of adults, can turn the youths toward prostitution, the reports says. Adult clients may know each other and exchange photos and information about child prostitutes, it says.

The committee said sketchy data suggest that "adult pedophiles tend to be white well-established males, 40-60 years old, are or have been married, generally have from two to four children, and are earning in excess of \$35,000 per year. They are usually college-educated and most are professional persons and well thought of by the community."

The children themselves may be victim to extortion and violence and lasting psychological damage, the report says. The committee quotes a Los Angeles detective familiar with the subject: "When a child has been coerced or seduced into giving his only

report claims

true possession — his body — he loses his self-respect and his morality. If he doesn't care about himself, how can he care about somebody else? Such a child could be destroyed psychologically and may never be a productive member of our society."

Some youths involved in the sex underworld find a way out by getting caught in a criminal act, Porter said. Hall told of an unnamed repeat offender who said he had been through a variety of rehabilitation programs but had not stopped until he was old enough to be thrown in the Sixth Avenue jail.

At the press conference, Porter said new legislation making it easier to prosecute juveniles would be helpful in two ways: It would make it easier to put dangerous repeat offenders in jail, and it would "thwart the sales pitch" made by adults who tell juveniles they can break the law without fear of serious retribution.

Porter said police would also like to see legislation allowing them to fingerprint juveniles and keep the fingerprints on file.

The Anchorage Crime Commission is a citizen's group created by then-Mayor George Sullivan in June 1981.

3/17/83 Anchorage Times

Special tactics help abuse victims break free

"I've tried to think of a thousand ways to bust open the operation. The only way you could do it is get inside. You'll never do it. You'll never break it open. You'll never be able to do it."

by Jeff Berliner
Times Writer

Mark was once very much on the inside.

Inside a ring of prostitution, drug deals and robberies.

That was before Mark became angry, furious with the adults who lured him into a life he found disgusting.

Now Mark (not his real name)

has decided to go straight by pulling the cloak of secrecy off the ring which for years provided him with "work" while providing adults with the profits earned from Mark's body.

But there was a time not too long ago when Mark would not even talk to his friends about the sex-for-pay operation. It was too sensitive, too ouchy, too embarrassing.

Police know only too well that stopping an epidemic of child sexual abuse — especially when it is part of a larger ring which
See Special, page A-4

THE UGLIEST CRIME

Sexual abuse of Alaska's children

Once something thought to occur only in big cities, the sexual abuse of juveniles in Alaska has reached 'epidemic' levels. In this multi-part series, *The Times* examines the problem. On Friday: parents pick up the pieces.



Special tactics help victims break free

Continued from page A-1 includes trafficking in drugs and stolen goods — is no easy task.

In fact, it's one of the toughest crimes of all to do anything about, police chief Brian Porter said.

Young people who are forced to have sex with adults naturally don't like to talk about it. When the sex is "kinky," or involves homosexual acts or has been filmed, the taboo is stronger.

Those who talk are few. And when the young people have been paid in illegal drugs for "services rendered," or have been involved in burglaries or other crimes, getting them to agree to talk to police is almost impossible.

Because many of these teenagers have a "macho" street image, it's doubly difficult for them to break down, said Glen Lambert, a national expert from Odyssey House who was in Anchorage recently to advise McLaughlin Youth Center counselors about sexually abused children.

"These kids don't testify," Lambert said, "and most of these people don't get arrested."

But without the young victims' testimony, there is no case: there is no victim to tell his tale in court. There is nothing, nothing but suspicion and statistics to show that these juvenile crime rings are real; that burglaries committed by teenagers are on the increase, that drug use by young people is up and sexual abuse of juveniles is up.

"It takes a lot of salesmanship to convince kids and their parents to come forward," Porter said.

The police department's best "salesman" is Anchorage police officer Frank Feichtinger who, in case after case, has convinced teen-age boys to tell him embarrassing and illegal things they did and had done to them.

But even Feichtinger's successes don't make him optimistic. The arrests he's made thus far are just "the tip of the iceberg," he said. The chief uses the same phrase. Feichtinger is one of several officers working in the police sex crimes unit.

The biggest case brought by police and prosecutors is against Carlos "Chico" Rodriguez, who allegedly employed up to 60 Anchorage children, aged 12 to 16, as prostitutes, burglars, drug dealers and pornographic film stars.

"Did you know it took Feichtinger five years to make that case?" said police Lt. George Novaky.

Feichtinger first heard about the activities of this alleged crime ring when he worked for the Alaska State Troopers. Later, while he was working at McLaughlin, young boys who had been part of the ring began confiding in him. Then last year, Porter put Feichtinger on the case full-time until enough evidence was gathered to make an arrest.

Such operations frequently go undetected for years.

"Kids will talk about anything but this," Feichtinger said. "This is a taboo subject amongst their peer group. It's just not a subject of discussion, period. And it's just as much taboo with parents and police. That makes it harder to solve, harder to get into than most cases."

Sexual abuse of juveniles by adults is an "offense that has been hidden for decades," Porter said. "They're not easy cases to

make.
"People don't come knocking on your door," Feichtinger said. "You have to coax it out and pursue it. It requires more than sitting down and saying this happened to you."

"It takes a certain knack to be able to question these kids and get them to talk," said Bonnie Schnell, foreman of the Rodriguez grand jury which listened as 20 young people came before the jury of 18 strangers and told their stories.

"It took a lot for those kids to get up there and testify, especially with 18 people staring at you. You feel sorry for the kids," she said.

The now-public indictment against Rodriguez protects the identities of these juveniles by revealing only their initials and ages. Eventually, though, they will have to tell their stories in open court and face questioning by both prosecution and defense lawyers.

Juveniles who do talk have their reasons. Several boy burglars who also worked as prostitutes told The Times they were willing to have their stories told to get it out of their systems, off their chests. They said they want to save other teenagers from having to go through the sexual torture that dominated their rough street life.

And, they admit, they want revenge: they are willing to suffer police questioning and the further indignities of courtroom grilling to put their abusers behind bars.

"They are hurting so much that they finally talk," said one McLaughlin counselor who asked not to be named.

"Sometimes they'd point out others who were involved, but the others deny it. I don't know any kids that were public at all about it. Kids aren't going to spill the beans, they're afraid of their own image."

meanor charges which carry a 90-day jail sentence.

Getting people to talk about the sexual abuse of juveniles is just one step toward cracking these cases. Authorities more frequently rely on the traditional methods of investigation.

The FBI's national lab is on the lookout for child pornography and has been alerted to keep an eye out for specific material Anchorage police would like to use as evidence.

Raids are few and far between, but about a year ago the FBI raided a warehouse in Syracuse, N.Y., which was purportedly the biggest child pornography processing plant in the country.

FBI officials have not examined a computerized list of 25,000 names seized in the raid — names of customers and suppliers of raw film — to alert law enforcement agencies elsewhere in an attempt to crack other cases. It would be impossible to do this, a New York FBI official told The Times.

This lack of cooperation between law enforcement agencies does not lend itself to stopping illegal child pornographers, says Marroyce Hall, chairman of the Anchorage Crime Commission's juvenile committee.

Customs officials here would like to intercept juvenile pornography which they believe is going in or out of the country — some of it through Alaska. The most recent case here was several years ago when a Fairbanks man was jailed for 40 years. Another case is under investigation now.

This so-called kiddie porn is not easy to ferret out.

"Dogs can't smell it," said special agent in charge of the U.S. Customs office here James Cameron, referring to the use of dogs to find hidden drugs.

"It's one of our high priorities as far as smuggling goes," he said. "If we had sufficient knowledge to know what we're missing, we'd probably catch them."

Some home-grown pornography is thought to be shipped abroad for processing and duplicating and then returned to this country with all identifying characteristics removed as if it were made abroad.

But proving that a young person depicted in a film or magazine is a juvenile presents its own problems. Alaska has no obscenity laws and pornography is not illegal — unless the sexually explicit scenes feature minors.

But that may be changing.

A bill that would make it a felony for parents or guardians to let their children engage in commercial pornography was introduced in Juneau Wednesday.

The bill, sponsored by Rep. John Liska, R-Eagle River, would add three sections to the state law that prohibits commercial production of pornographic film, photos, slides, books, magazines or live performances if they depict a child under age 16.

A parent or guardian who lets his children engage in pornography would face a maximum sentence of 10 years in prison and a \$50,000 fine, under the bill.

The bill also would make it a felony to import, distribute or possess with intent to distribute material that depicts the sexual abuse of a minor. The maximum sentence would be five years in prison and a \$50,000 fine. A movie projectionist would be exempt unless he had a financial interest in the theater or he showed the film without the consent of the theater owner or manager.

Further, the bill would define obscene as conduct that appeals to a prurient interest in sex; is patently offensive; and lacks serious literary, artistic, political or scientific value.

Liska picked up 14 co-sponsors before introducing the measure Wednesday.

He said the measure was spurred in part by the indictment of Rodriguez.

"I feel that somebody has to take a stand on this thing. If we, as lawmakers, don't do it, nobody will," he said.

Homophobia — fear of being a homosexual — explains why some boys cannot talk about sex acts with men, the counselor explained. Often initiated into sex by men, the youths are uncertain of their sexual identity and afraid to admit what they have done.

Young children may not understand what happened to them and they do not have the vocabulary to articulate it.

Anchorage prosecutor Elizabeth Sheley, who works full-time on cases of sexual abuse against children, uses an anatomically explicit doll to help young victims explain what was done to them. But for her to do that, the children must first have communicated to their parents about the incident and parents must bring it to the attention of police — something which does not always happen, especially if a relative or friend of the family is involved.

And so the coverup persists — partly out of taboo, partly out of protecting a father or uncle's incestuous acts, partly out of protecting the family from embarrassment or worse. Authorities said it is common for a mother or other relative to convince a child to recant damaging testimony or not to talk at all by saying, "You don't want Daddy to go to jail, do you?"

This failure to report sexual abuse of a juvenile prompted Alaskan legislators to pass a law requiring teachers, doctors, nurses, youth workers and others to report suspected cases of abuse or themselves face misde-

Anchorage Times 3/18/83

The 'nice man' next door was too good to be true

By Carol Murkowski
Times Writer

The children knew all about strangers offering rides, strangers offering candy, strangers calling from bushes and alleyways.

They didn't know about the nice man next door.

An Anchorage man is awaiting trial on charges of sexually molesting 10 children. And back at the apartment complex where he and his victims lived, parents move about their lives with little icicles in their hearts.

"If my fingers shot bullets, I'd have shot him," says Ginny,

mother of two of the molested children.

"How many kids has he ruined?" mourns Lynn, whose 9-year-old daughter was raped three times. "We know of 10, but how many others?"

Ginny and Lynn, who asked that their names not be used, were used to their children and others spending time at Jim and Vi's place. They knew that children often pick one house in the neighborhood to hang out. Their biggest worry was that the children were bothering the couple, but Jim assured them he loved

kids.

He did.

About three weeks ago, Ginny got a phone call from Jim's first wife, whose 13-year-old daughter had just filed sexual abuse charges against Jim.

"You'd better talk to your girls," she suggested, knowing that Ginny's four children spent lots of time at Jim's.

Trying to hide her tears, Ginny turned to her daughters, who had overheard the telephone conversation. They were frightened, but finally admitted being sexually fondled by Jim.

See Parents, page A-5

THE UGLIEST CRIME

Sexual abuse of Alaska's children

Once something thought to occur only in big cities, the sexual abuse of juveniles in Alaska has reached 'epidemic' levels. In this multi-part series, The Times examines the problem. On Saturday: solutions.



Parents didn't suspect abuse

Continued from page A-1

Steeling herself, Ginny went downstairs to tell Lynn and her husband, Steve. That night, with gentle questioning, they learned their fourth grade daughter had been raped. As the word spread around the apartment complex, they found out they weren't alone.

They're not alone, statistically. The state estimates that by age 16, one of every five girls and one of every 10 boys will have been sexually abused. Lynn herself had been sexually abused as a child. But those were just numbers and bad dreams. She never suspected anything wrong with her children.

"They always had a lot of kids there, always Walt Disney movies on the video machine," Steve recalls. "His wife would call and ask if our daughter could spend the night at parties over there. Then it came out that he'd done stuff with our daughter three different times."

The other children, including Ginny's, were "fondled," she says. Only girls were molested; in fact, Ginny says, many times her son was not invited to Jim's. And her youngest daughter, known for her inability to keep secrets, wasn't welcome either.

Looking back, she wishes she had realized that might have been a signal. The only thing Lynn thought was unusual was the day her daughter came home from play and wanted to take a bath.

"It was only about 3:30 or 4:00 and I noticed that her eyes were red and she was crying. I thought she had been crying about something else."

Steve and Lynn describe their daughter as more trusting and perhaps more naive than most 9-year-olds. But some of the children involved were a few years older, and most of them had been told about sex, about where babies came from.

But the parents don't think their children really understood that what Jim was doing was sexual. Sex involved falling in love and getting married; there was none of that here.

"He told them he was their adopted-type father, and it was OK if he did things with them," Steve says. The children were asked to sign oaths of loyalty and secrecy, all administered with the trappings of "secret club" mystery that children so often love.

"In general, they couldn't say no to him, and had to do what he said," Ginny says. "Kids would think nothing of it, but an adult could see right through it." And the children were ordered not to tell their parents about the oaths.

"By giving the kids a secret, he was treating them like adults," Lynn says. "They thought that was neat."

In return, there were parties with popcorn and movies on the video machine, games and crafts that their own parents couldn't afford.

The parents thought Jim a nice guy. He visited with his neighbors, had them over for coffee, gave them rides when their cars broke down.

"That's not to say that everyone in the neighborhood who likes kids is molesting them," Steve adds hastily.

But just before the incident was uncovered, he saw a television special on child molesting. "They said if someone is so good with kids that it seems too good to be true, maybe it is."

The day after the word about Jim was out, the parents took their children to the police station to sign statements against him. He was arrested and the last the parents heard was being held for \$10,000 bail.

The children reacted to the

discovery differently! One had to be taken out of school when other students heard she had been molested, and nagged her for details until she broke down in tears.

"Ginny's daughter was so upset she was forgetting things; she'd come down to my apartment, and forget what she was there for," Lynn says. Her own daughter has shown little or no reaction.

"Most of the kids have shown anger, and I'm afraid because she isn't showing anything," Lynn says.

"But I talked to one of the ladies at the hospital who said she just wants to forget it. She's blocked it out of her mind. Sometimes she acts like she misses going over there."

All the children will be seeking counseling. But they're having a hard time getting appointments, Lynn says, because the demand for such counseling is so great.

And the parents themselves are feeling the strain.

"I feel anger, hurt, guilt," Lynn says frankly. "I feel such guilt because I didn't know."

She hasn't been sleeping well; "the least little thing" will get her and Steve upset with each other.

"What bothers me is I don't know what kind of perverted idea Jim gave our daughter about what love is," Steve worries. "I don't know what ideas he put in her head. We tried to teach her that sex is something people wait until after marriage for."

He worries about what Jim might have told her about sex to convince her it was all right, and to let him repeat the act.

"We want him locked up not just as a matter of revenge," he says. "If they're just going to slap his hand, he might not remember that next time he's tempted. We're concerned that he might get 60 to 90 days at API (Alaska Psychiatric Institute) and then move down the street from somebody else."

A half hour after Steve and Lynn found out about their daughter, coincidence knocked at their door in the form of a petition for SLAM — Society's League Against Molestation. The national group works to establish tougher laws against child molesters, and the parents at their apartment building have all become firm believers in its work.

Too late, they know what to look for: "Take more time, look at your kids, know who they spend time with," Ginny says.

She has urged her children and their friends that if they're afraid to tell their parents, to talk to a teacher or neighbor.

Take note of any unusual behavior, Lynn adds — even something like a bath at the wrong time of day.

And now, they wait to see what the courts will do with the charges filed against Jim. They've been told the case may not go to court for several months, possibly as long as a year. There are 50 such cases in the district attorney's office now, and two or three new ones are referred every week. They know they have to be patient, but it's hard.

And in the meantime, Jim's wife is still living in the apartment complex; every time they see her, it all comes flooding back.

"I guess all you can do is go on and try to keep raising your kids and teach them what's right. Maybe they'll be okay," Steve says. "But it makes you wonder how they'll handle it when they get married."

Lynn bitterly remembers how she was sexually abused as a child.

"I grew up thinking I couldn't say no, that I didn't have the right to say no," she says. "I never wanted that to happen to anyone else."

'Showing care' works both ways

Anchorage Times 3/19/83

by Jeff Berliner
Times Writer

"Show a little care, show a little concern. That's how you get the kids. Then they'll do anything for you — even have sex with their friends on film. I got mostly high school dropouts. If we (molesters) can show concern, why can't the people who should show concern do so? Parents don't care."

That comment from a man who once made his living procuring boys for commercial sex in Anchorage sums up the problem — and, perhaps, its solution.

Boys, kicked out of home or school, naturally gravitate toward someone who appears to really care about them and offer them something. Girls come too, but boys increasingly are the victims of sexual abuse, and they are more in demand as burglars, drug couriers, prostitutes and actors in pornographic films.

THE UGLIEST CRIME

Sexual abuse of Alaska's children

Once something thought to occur only in big cities, the sexual abuse of juveniles in Alaska has reached 'epidemic' levels. In this multi-part series, The Times has examined the problem. Today, in this final segment of our series, possible solutions.



A drug and sex-for-hire dealer, now out of business, ran his Anchorage operation with impunity and suggests that it was easy.

Police admit that catching people involved in drugs and sex is not easy.

An epidemic of juvenile sexual assault cases — Alaskan adults sexually abusing Alaskan boys and girls — has brought the problem out in the open.

Anchorage Police Chief Brian Porter says there is no one solution to the problem. But con-

fronted with the sudden spate of sex crimes against juveniles, a lot of people, including the chief, are grappling with ways of dealing with the problem.

Some think the solution is as simple as the one suggested by

See Officials, page A-4

Officials disagree on complexit

Continued from page A-1

But if Krumm and Porter can be credited with doing their jobs — police present evidence to prosecutors in several new child sex assault cases every week and the DA's office has a near-perfect conviction rate — the problem is still very much there.

"The numbers are overwhelming us," Krumm says. "There are a lot of pretty awful things going on."

Krumm plans to mail 4,000 letters to schools, doctors, day care centers and others instructing them to be on the lookout for cases of sex abuse of children and telling them what to do when they suspect it.

Marroyce Hall's juvenile crime committee, part of the Anchorage Crime Commission, will soon propose solutions after last week unveiling a report dealing with adult-supported rings of runaways who rob, deal drugs and sell their bodies for shelter and money.

School suspensions are up 22

percent over last year. More than 1,600 students were formally barred from Anchorage classrooms during the first semester, sometimes for minor infractions. Prevented from attending school, many of these youths end up on the street or in places where they are vulnerable to being picked up by adults seeking boys for sex or burglaries.

"Schools must reassess the suspension onto the streets program," Hall says. "that only confounds the problem. Kids should not be kicked out of school for behavior which warrants suspension. They should be put in a special in-school program which addresses the child's needs."

The schools should be teaching younger and younger children how to protect themselves, say police and Standing Together Against Rape.

STAR is proposing to make its safety program part of the school curriculum.

Last year, 8,300 children from kindergarten through sixth grade heard STAR's safety pitch.

Schools co-sponsor the Safe Homes programs: houses, usually near schools, where volunteer citizens — checked out by police — post an orange "Safe Home" sign indicating that a child in trouble can safely take shelter there.

Now in its second year, with 700 safe homes and 45 of the city's 52 elementary schools participating, program founder Linda Hodgins says, "Kids can run to a safe home to get away from someone trying to pick them up, or even marauding dogs."

During the 1981-82 school year, there were 12 incidents every week involving young children, from actual assaults to suspicious circumstances. This year, Hodgins says incidents are down.

People who work with children should go through a record check, some argue.

The Anchorage chapter of SLAM (Society's League Against Molesters) is asking lawmakers to approve legislation to permit employers to examine the criminal records of anyone working with minors.

SLAM is also seeking tougher laws against molesters.

Krumm, formerly head of the state law department's sexual crimes unit, would like to see a sexual assault and child abuse center, modeled after Seattle's Harborview program, open here. Such a center would also serve as a training ground for professionals.

Victims have not always been helped by officials, Krumm said, pointing to a recent case where state social workers repeatedly sent sexually abused children

y of abuse problem, solutions

back to the home of their father, who continued to abuse them.

That doesn't happen any more, Krumm says, now that a new law requires agencies to report child sexual abuse to police. But Krumm would still like to see what he calls a "child sexual abuse protocol" — an agreement among various state agencies about how to handle these cases.

the man quoted above — give children enough care and concern and they won't fall prey to people like him. Others think the solution is more complex. They say the multimillion-dollar market for so-called kiddie porn indicates the problem is tougher.

Among the solutions that have been proposed for dealing with the growing epidemic of sexual abuse of minors:

- End the Anchorage School District's policy of suspending students out of the classroom and onto the street.
- Create a sexual-assault and child-abuse center in Anchorage, modeled after a successful center in Seattle.
- Treat missing children reports seriously and, through coordination of law enforcement agencies, try to track down these disappearances.
- Educate children beginning in elementary school about personal safety and about what kind of advances to be wary of.
- Hire more police and prosecutors to tackle the ever-increasing child sex abuse caseload.
- Permit police background checks of job applicants who would work around children.
- Establish a runaway center — a safe place for juveniles to run to instead of wandering the streets.

Public awareness is the first

step toward combating the problem of juvenile sexual abuse, authorities agree.

Overcoming the "hidden" nature of the crime and the reluctance of people, including parents, to discuss the sexual abuse of children is the first step toward solving it, Porter says.

But now that the problem is "coming out of the closet, it's overwhelming us," says district attorney Victor Krumm.

Krumm and Porter say they would assign more people to child sex crime cases if they had the money.

"For a long time, people thought this was a family problem. They just wanted it to go away," Krumm says. "The simple solution is for the men to stop messing with the kids. I can remove the men and that's what we're doing. Incarcerate them as long as the law allows."

Many victims are runaways — left to fend for themselves, but too young to get jobs, they are vulnerable.

If runaways had someplace to go — away from home but not onto the street — the adults now abusing them would not have such an easy time of it, authorities say.

Establish a runaway center and staff it with sympathetic professionals, suggests Glen Lambert of Salt Lake City's Odyssey House. Lambert was in Anchorage recently to advise McLaughlin Youth Center counselors about sexually abused children.

Nancy Barros, an Anchorage woman who founded a group called Missing Children of America after her estranged husband kidnaped her three children 2½ years ago, thinks authorities should not dismiss disappear-

ances of children lightly.

A new program of fingerprinting juveniles has been started by police to help track down missing children.

Abuse doesn't happen only to runaways, alone on the streets. It can happen to any child, in any home.

"Listen to your kids," urges police Lt. George Novaky.

Watch for signs of odd behavior or indications that a child is afraid of someone, or disturbed about something but won't talk about it, professionals say.

Says Bonnie Schnell, grand jury foreman in the biggest sexual abuse case brought in Anchorage, in which a man is charged with 29 felonies in connection with a commercial juvenile pornography and prostitution operation, offers this advice: "I think we can learn a lesson from it. I hope the people of Anchorage take note what is really happening around them and that it opens peoples' eyes. Listen to the kids. Don't ignore them."

From the D.A.'s Desk

Sex offenders go to Jail

During December 1982, Superior Court Judge Charles R. Tunley held to his stated position that persons who commit sex crimes in his district will be sentenced to serve time in jail. As a result, nine men are greeting the new year from behind bars.

Gabriel J. Annuktoolik, 29 years, of Golovin was sentenced on December 13, 1982 to four years imprisonment for an attempted rape occurring in Golovin on August 22, 1982. Since it was his second felony he will not be eligible for parole. He was also sentenced to ten years for assaulting a second woman in Golovin with a knife by stabbing her while she slept.

Keith Anagick Sr., 50 years, of Unalakleet, was sentenced on December 16, 1982 to one year imprisonment with six months suspended, probation for two years for engaging in sexual contact with a young girl under sixteen years of age during 1979 and 1980. The incidents were discovered through the efforts of the Nome office of the Division of Family and Youth Services, and since the incidents had occurred within the past five years, criminal charges were filed.

William M. Otten, 24 years, of Stebbins, was sentenced to one year imprisonment with six months suspended, probation for two years for having sexual contact with a young girl under sixteen years of age in Stebbins during 1979. The judge found that Mr. Otten was one of the worst type offenders, since he had prior convictions involving assaults on children and women.

Jerome Trigg Jr., 44 years, of Nome, was sentenced on December 13, 1982 to eight-

teen months imprisonment with twelve months suspended, probation for the maximum possible period of five years. Mr. Trigg had been convicted of sexual assault in the third degree on a member of his family which had occurred on July 17, 1982.

Adam J. Raymond, 51 years, of Stebbins, was sentenced on December 16, 1982 to imprisonment for two years with one year suspended, probation for five years, for having committed an incestuous sexual assault on his daughter in Stebbins on July 9, 1982. Testimony at the sentencing revealed that Mr. Raymond had been engaging in sexual relations with his daughter for many years.

Donald Outwater, 43 years, of Nome, was sentenced on December 17, 1982 to four years imprisonment with two years suspended, probation for five years, for the offense of having sexual relations with his teenage daughter.

Melvin T. Apassingok, 26 years, of Gambell, was sentenced on December 21, 1982 to imprisonment for two years with one year suspended, probation for two years and a fine of \$1,000 for having sexual intercourse with a fifteen-year-old girl in Gambell during January,

1982. The girl was baby-sitting for a relative when Mr. Apassingok, who was the V.P. S.O. at the time, entered the house and had sexual intercourse with her.

Tommy Amaktoolik, 29 years, of Golovin had his probation revoked because of three incidents of drinking alcohol in violation of conditions of his probation, and was sentenced to serve six months in jail. Mr. Amaktoolik had earlier been convicted of incest and received a two year suspended sentence. Since he would not stop drinking and was dangerous when he drank, the court sentenced him to serve time in jail.

Kenneth W. Dewey Jr., 21 years, of Koyuk, was sentenced on December 22, 1982 to eight years imprisonment with three years suspended for a rape occurring in Nome on May 18, 1982. Mr. Dewey was convicted by a jury after trial in Nome during September.

One goal of sentencing is to deter other persons from committing similar crimes. Deterance will take place as people come to realize that sex offenses will be reported, that reported sex offenses will be prosecuted, and that convicted sex offenders will go to jail.



Among the ancient Greeks it was considered good for the crops to plant a piece of year-old cake along with the seeds.

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Senior Scholastic 2/8/79

The Tragedy of Teenage Prostitution

by FATHER BRUCE RITTER with BOB WEINSTEIN

We must face the shocking facts, says a Catholic priest, and care enough to try to change them.

I am not going to make it. I am going to die out there. The streets are going to kill me." He was 17 years old. We'll call him Louis. He was talking to one of the co-authors of this article, the Reverend Bruce Ritter, a 52-year-old Franciscan priest. Two years ago, Father Ritter started Covenant House. It is a shelter for teenagers, most of them runaways, who roam the sinful streets around Times Square in midtown New York.

Wherever there are large numbers of runaways, teenage prostitution is a fact. The problem is already very bad—and getting worse—in cities such as New York, Los Angeles, Miami, and Houston. But it's not just a big-city problem. Those runaways come from almost every corner of the United States. Fleeing or kicked out of their homes, they come to the cities with dreams of glamor and fun.

The Federal Bureau of Investigation keeps statistics on runaways. Between 600,000 and one million young people run away from home every year, the FBI reports. Not all of these, of course, end up in prostitution. In fact, quite a few return home very soon. But almost all teenage prostitutes start out as runaways.

These teenage runaways cannot get honest work. They have not finished school. Rightly or wrongly, they don't want to go home. Or maybe they don't have a home, or parents, anymore. Or maybe their parents don't want them to come home.

Over the past 18 months, 8,000 homeless young people have come to Covenant House. There, they can get a good night's sleep, eat nourishing meals, and clean up. Perhaps most important of all, they can talk about their lives with the volunteers who work there. Like Louis, who fears "the streets are going to kill me," 60 percent of the young people who show up at Covenant House are involved in prostitution.

At 17, Louis has been a hustler for three years. He didn't finish school and can't write very well. He's an alcoholic. He drinks every day, he says, to try to forget what he has to do to survive. He is a naturally

Few things get Father Ritter to put aside his work for Covenant House—even for a little while. This article was one of them. We are grateful to Father Ritter and to his co-author, Bob Weinstein, a frequent contributor to this magazine.



Teenage runaways head for cities — and ruined lives. Father Ritter fights to save them.

bright person who, maybe, could have led a more "normal" life. But his chances, now, of leading anything like a normal life are just about zero.

What do volunteer workers say to teenagers like Louis who come to Covenant House and similar shelters around the country? The volunteers have only one hope: to try to convince a teenager that he or she has other choices in life. Maybe (a volunteer may suggest) going back home is better than staying

on the streets. But many of these teenagers just can't believe that they can change their lives, that they have any choices at all.

So, they go back on the streets. Hundreds of them have been held prisoner, tortured, raped. Some of them have been murdered. One 16-year-old girl—we'll call her Alice—was held prisoner for a week, after a pimp picked her up in New York's Port Authority Bus Terminal. Alice was drugged, raped repeatedly, but finally escaped. Her pimp found her again and told her he had to have her back. He said he owned her. Besides, Alice was worth thousands of dollars a month to him.

Police have identified about 1,000 pimps in just the New York City midtown area. Each one usually controls between two and four girls like Alice. The prostitute is the "property" of the pimp. Each girl is expected to bring the pimp a certain amount of money a day, usually around \$200. She has to. If she doesn't, a brutal beating is about the best she can hope for.

Prostitution has been called a "victimless crime." That means a crime that doesn't hurt anybody. But that leaves out all the young people who are beaten, tortured, held prisoner. And what about those who are murdered? What about the ones who commit suicide out of hopelessness and desperation?

These are the victims. But who, really, are they? Here are some statistics from Covenant House. Fifty percent of the teenage prostitutes are black; 18 percent are Spanish-speaking; 25 percent are white. The rest are of mixed ethnic backgrounds. Seventy-five percent are boys. The median age of both boys and girls is about 17. Almost one-half of

them are 17 or younger. Nineteen out of 20 come from one-parent families. If they come from two-parent families, there is almost always alcoholism in the family.

Seventy-five percent of teenage prostitutes are children of the poor. Most of them have suffered child abuse. They have either been thrown out or walked out of homes that have broken up, or homes where there seems to be no love or understanding left.

To an experienced pimp, these needs for attention and security are easy to spot—and easy to prey on. A lot of scared young girls, for example, want to believe that the smooth, expensively dressed young men who seem to fall for them really care. The rude awakening often comes when the girl is asked to prove her love by repaying the man for his generosity. She can repay him, he tells her, by selling her body and making money for them both. For her, it can seem like her only option.

Meanwhile, the "sex industry" is booming. And teenage prostitution and pornography, too, get bigger every day. Business has never been better. Why? There are probably just two answers. They are two of the seven deadly sins—greed and lust. There is big money in selling sex. Greed makes people go after that money. The money comes from other people who lust after children and teenagers. And, of course, the greedy ones want to make sure money keeps rolling in. They are for the most part linked to what we know as organized crime. They have a big stake in being deadly efficient—for them, sex is a \$4-billion-dollar-a-year industry. □

Father Bruce Ritter— On Stopping Teenage Prostitution

Senior: With all you've seen—all the pain and suffering—do you think it's possible to end the problem?

Father Ritter: I do. It seems, though, that very few people really want to do anything.

Senior: Do what? You make it sound as if individuals—young individuals—can do something. But is that realistic? What have adults, politicians, the police been able to do?

Ritter: Very little. But I think that's because they've only given lip service to the problem. But they've made little effort to stop it. The problem grows worse every day. But young people can care. Caring is a good way to start. If their sister or brother or close friend were on a street corner, it wouldn't be so hard to care. Caring is the first step in accepting responsibility—for yourself and for others.

Senior: That sounds good. But it also sounds like a lot of other things people have said before about love and caring making things all right. . . .

Ritter: Wait a minute. That's only a beginning. The caring makes people act. And that's what it takes to make them realize they have power.

Senior: What kind of power?

Ritter: The power to put people into office—and to

take them out. Politicians respond to the people who write them—people who care, people who vote. Letters are a good way for your readers to start. And before long, they'll be voting. They can vote against the uncaring politicians and judges and the do-nothing district attorneys.

Senior: But statistics show that not many young people actually vote.

Ritter: I know! That's immoral and irresponsible. I hear young people say that their vote doesn't count. But they don't even try to find out if that's true. They may shake their heads over a problem like teenage prostitution, but they don't try to do anything.

Senior: But why should they really care—about a problem that seems so far away?

Ritter: I thought I already gave them some good reasons. But here's another. Some day, they will have children of their own. And they have to decide if they want those children growing up in a world where young people are battered like sacks of potatoes. They can't afford to wait until then . . . until those children are teenagers and maybe thinking of running away. That will be too late. The problem can't be—won't be—stopped overnight. It's going to take time. And the time to start is now. □