

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED

2544

SJ

HB

247

-

HB

299

2544

In the late 1960's - early 70's, a few major mining companies returned to Alaska to begin mineral exploration programs. These companies returned to Alaska to begin mineral exploration programs, because foreign expropriations and pending domestic mineral shortages-made domestic mineral investments much more attractive. Alaska offered the United State's last great unexplored frontier. This recent mineral exploration activity has produced a few major mineral discoveries which have announced plans to be in production before 1990:

- o The Red Dog Deposits in Delong Mts., North of Kotzebue
- o Green's Creek Deposit on Admiralty Island
- o The Quartz Hill Deposit, near Ketchikan

The development of these deposits and other known occurrences could create a substantial addition to Alaska's economy -- mining, unlike oil, is a very labor intensive business. A majority of the new wealth created would stay in the state in the form of wages and goods purchased. John Whitney, a noted mineral economist, in 1979 predicted that the development of the deposits of NW Alaska, Red Dog and Ambler, would create over 1,000 new jobs in Alaska and produce annual gross sales on the order of \$570 million (1979 dollars). The Alaska Miners Association published a report last July which predicted, that given the proper combination of world metal prices, Alaska investment climate and infrastructure development, Alaska's major mining industry, could by the year 2000 provide 6,000 new jobs and add an estimated 3.0 billion to Alaska's economy.

I believe these studies indicate that mining has the potential to significantly impact Alaska's future economy.

The development of major mining, depends on two factors which involve state government.

1. Availability of infrastructure.
2. A stable investment climate

I am not going to discuss infrastructure today, suffice to say it is of equal importance to investment climate.

In order to be developed, Alaskan mineral deposits are going to have to compete on a world-wide basis. Metals produced in Alaska are going to be sold at the same price as those produced in Western U.S., South America, or South Africa. To be competitive, Alaska's costs of production must be comparable. Fortunately, nature has given Alaska some high grade deposits, which will help keep them competitive, but Alaskan costs are high.

By allowing investors to recoup their risk capital quicker the investment tax credits proposed in House Bill 258 will help keep the costs of Alaskan mineral development competitive. But more importantly, enactment of House Bill 258 will send a strong signal to outside investors that the State of Alaska is serious about developing its mineral industry by providing incentives for investment.

As stated in the attached letter to Speaker Hayes, House Bill 258 should be considered an income producing bill. The immediate cost of enactment is very small, but potential impact on the Alaska's future economy is quite substantial. For a diversified economy in Alaska, I urge you to pass this bill.



ALASKA MINERS ASSOCIATION, INC.

509 W. Third Ave., Suite 17, Anchorage, Alaska 99501 (907) 276-0347

April 1, 1983

Representative Joe L. Hayes
Speaker of the House
Alaska State Legislature
Pouch V
Juneau, Alaska 99811

Dear Representative Hayes:

The Statewide Board of Directors of the Alaska Miners Association unanimously passed the attached resolution urging enactment of HB-258. The Alaska Miners Association represents approximately 1600 miners located throughout Alaska.

The Alaska Miners Association believes that the investment tax credits proposed in HB-258 will broaden Alaska's economic base. The people of Alaska are concerned about our state's dependence upon oil revenues and diversification of our state's economy is very important for the long term economic health in Alaska.

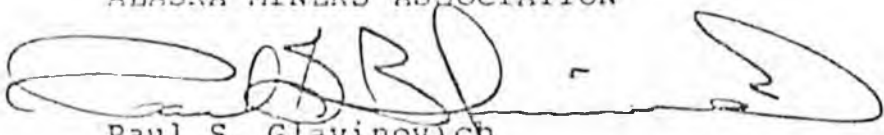
Many members of the legislature may be hesitant to consider a tax credit bill in the face of declining oil revenues. However HB-258 is an income-producing bill. It will send a strong signal to investors that Alaska is seriously attempting to attract mineral development and increase exploration and mining activity. The economic benefits accruing to the state will far outweigh the revenues lost by the tax credit.

The initial reduction in revenues by mineral investment would be small, less than ten million dollars annually. The tax credits will make Alaskan mineral investments more competitive on a world wide basis and lead to the establishment of a long term healthy mining industry.

We are asking for your help to obtain passage of this bill and make an investment in Alaska's long term economic future.

Sincerely yours,

ALASKA MINERS ASSOCIATION



Paul S. Glavinovich
President

PSG/vd
Attachment



ALASKA MINERS ASSOCIATION, INC.

509 W. Third Ave., Suite 17, Anchorage, Alaska 99501 (907) 276-0347

RESOLUTION - HOUSE BILL 258

Whereas the Alaska Miner's Association desires to foster the development of Alaska's mineral resources and,

Whereas the people of Alaska desire to broaden the economic basis of our state and,

Whereas the Investment Tax Credits proposed in HB-258 would provide financial incentives for the development of minerals in Alaska and indicate the strong support of the State of Alaska for a mining industry.

The Board of Directors hereby resolves to urge the Governor of Alaska, the Speaker of the Alaska State House, the President of the Alaska State Senate and the Chairpersons of House and Senate Resources Committee for expeditious passage of HB-258.

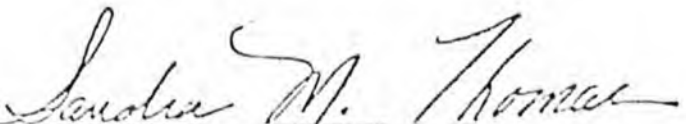
Approved

Fairbanks, Alaska

March 29, 1983



Paul Glavinovich - President



Sandra M. Thomas - Secretary

H

B

2

7

0

COMMITTEE REPORT

SENATE

FURTHER:

Date: 11 3

Mr. President:

The Committee on REVENUE has had HEARINGS

under consideration and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass do not pass
- do pass with attached amendments(s)
- replace with CS for 3546 same title
 new title
- and recommends _____
- AND attaches a "Letter of Intent" New Fiscal Note
- reports it back without recommendation
- referred to the _____ Committee

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS:

CHAIRMAN

Offered: 4/6/83
Referred: Judiciary

Original sponsors: Liska, Adams,
Bussell, et al

1 IN THE HOUSE BY THE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE
2 CS FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 270 (HESS)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 THIRTEENTH LEGISLATURE - FIRST SESSION

5 A BILL
6 For an Act entitled: "An Act relating to child pornography."

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

8 * Section 1. AS 11.41.455 is repealed and reenacted to read:

9 Sec. 11.41.455. UNLAWFUL EXPLOITATION OF A MINOR. (a) A person
10 commits the crime of unlawful exploitation of a minor if, in this
11 state and with the intent of producing a live performance, film,
12 *OK* photograph, negative, slide, book, newspaper, ~~or~~ magazine ^{OR ANY PRINTED MATTER} that vis-
13 ually depicts the conduct listed below, the person knowingly induces ^{or}
14 or employs a child under 18 years of age to engage in, or photographs, ^{or}
15 films, or televises a child under 18 years of age engaged in the
16 following actual or simulated conduct:

- 17 (1) sexual penetration;
18 (2) the lewd touching of another person's genitals, anus,
19 or female breast;
20 (3) the lewd touching by another person of the child's
21 genitals, anus, or female breast;
22 (4) masturbation;
23 (5) bestiality; or
24 (6) the lewd exhibition of the child's genitals.

25 (b) A parent, legal guardian, or person having custody or con-
26 trol of a child under 18 years of age commits the crime of unlawful
27 exploitation of a minor if, in this state, the person permits the
28 child to engage in conduct described in (a) of this section knowing
29 that the conduct is intended to be used in producing a live

1 performance, film, photograph, negative, slide, book, newspaper, or
2 magazine, ^{or any printed material} that visually depicts such conduct. ^{printed material or mater}

3 (c) Unlawful exploitation of a minor is a class B felony.

4 * Sec. 2. AS 11.61 is amended by adding a new section to read:

5 Sec. 11.61.125. DISTRIBUTION OF CHILD PORNOGRAPHY. (a) A
6 person commits the crime of distribution of child pornography if the
7 person brings or causes to be brought into this state for sale or
8 distribution, or in this state possesses, prepares, publishes, or
9 prints with intent to distribute, sell, or exhibit to others for
10 commercial consideration, any matter which visually depicts conduct
11 described under AS 11.41.455(a), knowing that the production of the
12 matter involves the use of a child under 18 years of age engaged in
13 such conduct.

14 (b) This section does not apply to acts that are an integral
15 part of the exhibition or performance of a motion picture when the
16 acts are done within the scope of employment by a motion picture
17 operator or projectionist employed by the owner or manager of a thea-
18 ter or other place for the showing of motion pictures, unless the
19 motion picture operator or projectionist

20 (1) has a financial interest in the theater or place in
21 which employed; or

22 (2) caused the performance or motion picture to be per-
23 formed or exhibited without the consent of the manager or owner of the
24 theater or other place of showing.

25 (c) Distribution of child pornography is a class C felony.

STATE OF ALASKA
FISCAL NOTE

Revision Date , 1983

No. 2

I. REQUEST

Page 1 of 6

II. FISCAL DETAIL

Bill/Resolution No.: CSSSHB 270 (Hess)
 Title: "Child Pornography"
 Sponsor: Repr. Liska
 Requestor: House Finance Committee

Agency Affected: Department of Law
 Program Category Affected: Adm. of Justice
 BRU, Program of Subprogram(s) Affected: Prosecution

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
OPERATING						
100 PERSONAL SERVICES		130.1	165.5	175.4	185.9	197.1
200 TRAVEL		10.1	12.8	13.6	14.4	15.3
300 CONTRACTUAL		18.0	20.7	21.9	23.2	24.6
400 COMMODITIES		10.0	5.7	6.0	6.4	6.8
500 EQUIPMENT		17.5				
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC						
TOTAL OPERATING		185.6	204.7	217.0	230.0	243.8
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND		185.6	204.7	217.0	230.0	243.8
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS:

FULL-TIME		3	3	3	3	3
PART-TIME						
TEMPORARY						

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

Not specified by sponsor.

IV. ANALYSIS: Attach a separate page for any Analysis

Prepared By: Richard I. Pegues, Director

Phone: 465-3672

Division: Administrative Services Division

Date: April 12, 1983

Approved by Commissioner: Richard I. Pegues / for /
Norman C. Gorsuch, Attorney General

Date: April 12, 1983

Department: Department of Law

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)

Section 1 of this bill adds a new subsection to the current Unlawful Exploitation of a Minor statute, making it a class B felony for a parent or guardian to knowingly allow his child to participate in sexual activities which will be used to produce a pornographic film, TV show, photograph, etc. Since in most cases a parent who would knowingly allow his child to engage in such activity would also be involved in "inducing or employing" the child to perform these acts (conduct which is already covered under existing law), it is expected that there would be only a few additional prosecutions under this portion of the bill. These few new cases could probably be handled by the present prosecution staff.

Section 2 of the bill makes it a class C felony for a person to knowingly sell or distribute pornographic material which visually depicts children engaged in sexual behavior. The bill could result in a large number of additional criminal prosecutions, as the sale or distribution of pornographic material of any sort is not now a criminal offense in this state. It is anticipated that enforcement of the new law would require the addition of two new prosecutors and one new secretary statewide. This estimate is based on the number of establishments in this state which are known to sell pornographic material, the complexity of legal issues that are involved in these types of cases, and the knowledge that convictions under similar statutes in other states are almost always appealed on constitutional grounds to the highest appellate court in the state, and frequently to the United States Supreme Court.

The committee substitute increases the age of unlawful exploitation of a minor from 16 years of age to 18 years of age. This change will increase the potential number of prosecutions, however, such prosecutions become more difficult due to the problem of establishing the chronological age of young people who are undergoing rapid physical development, which can vary substantially by individual. Consequently, no changes to our fiscal note dated March 29, 1983, will occur.

The impact of HB 270 is expected to result in the addition of two Attorney IV positions (SR 24) and one Legal Secretary position (SR 10).

The first year of this analysis will cover 10 months of FY 84, allowing 2 months for these three positions to be established. The costs beyond FY 84 have been projected on a 12 month basis and include a 6% annual inflation factor.

1st Year (10 months)

	<u>AIV(PFT)</u>	<u>AIV(PFT)</u>	<u>L/SI(PFT)</u>	<u>TOTAL</u>
Personal Services	53.7	53.7	23.4	130.1
Travel	5.0	5.0	-0-	10.0
Contractual	8.0	8.0	2.0	18.0
Commodities - ongoing	1.5	1.5	1.5	4.5
Commod. - single time	2.0	2.0	1.5	5.5
Equipment - single time	1.5	1.5	14.5	17.5
				<hr/>
				185.6

2nd Year (12 months + 6% annual inflation)

Personal Services	68.3	68.3	28.9	165.5
Travel	6.4	6.4	-0-	12.8
Contractual	9.1	9.1	2.5	20.7
Commodities	1.9	1.9	1.9	5.7
				<hr/>
				204.7

1.	POSITION TITLE Attorney IV				RANGE/STEP 24A	BARG. UNIT X	FORM 12 PAGE/LINE	GOV.	APPROV.	DISAPP.			
2.	TYPE OF POSITION PFT	STAFF MONTHS 10	RP NUMBER	PCN NUMBER	BRU PRIORITY	LOCATION Anchorage	ELECTION DISTRICT 8	LEG.					
3.	CONTINUATION LEVEL				JUSTIFICATION								
4.	TYPE OF EXPENDITURE				<p>To accommodate the addition of new felony statutes for the prosecution of those who knowingly sell or distribute pornographic material which visually depletes children engaged in sexual behavior, the Department of Law is requesting two new attorney positions and a new secretary position. This is one of two attorney positions which will be responsible for the enforcement of the new felony statutes statewide, including the pursuit of the many cases which will undoubtedly be appealed on constitutional grounds to the state's highest court and to the U.S. Supreme Court. These cases will involve complex legal issues which have been previously unaddressed by Alaska's criminal code.</p>								
	1		2								3		
	PERSONAL SERVICES												
5.	Salary	4,251/month	42,510										
6.	Benefits		6,555										
7.	Supplemental Benefits		2,240										
8.	Fixed Benefits		2,400										
9.	TOTAL PERSONAL SERVICES		01	53,705									
10.	Travel		02	5,000									
11.	Contractual		03	8,000									
12.	Commodities		04	3,500									
13.	Equipment		05	1,500									
14.	Other												
15.	TOTAL COST			71,705									
	RECEIPT CODE	FUNDING SOURCE											
16.		Federal Receipts 1002											
17.		C.F. Hatch 1003											
18.		General Funds 1004		71,705									
19.		I-A Receipts 1005											
20.		Program Receipts 1020											
21.		Other											
FOR B&M USE ONLY													
4A KEY NUMBER _____													

13 REQUEST FOR
NEW POSITION

AGENCY Department of Law
 PROGRAM Due Process
 BRU Prosecution
 COMPONENT Third Judicial District

SSRS 270 No. 2

FY 84

Page 4 of 6
 Revised Date _____

1.	POSITION TITLE Attorney IV				RANGE/STEP 24A	BARG. UNIT X	FORM 12 PAGE/LINE	COV.	APPRDV.	DISAPP.
2.	TYPE OF POSITION PFT	STAFF MONTHS 10	RF NUMBER	PCN NUMBER	BRU PRIORITY	LOCATION Anchorage	ELECTION DISTRICT 8	LEG.		
3.	CONTINUATION LEVEL				JUSTIFICATION					
4.	TYPE OF EXPENDITURE.				AMOUNT					
	1		2		3					
	PERSONAL SERVICES									
5.	Salary	4,251/month	42,510							
6.	Benefits		6,555							
7.	Supplemental Benefits		2,240							
8.	Fixed Benefits		2,400							
9.	TOTAL PERSONAL SERVICES		01	53,705						
10.	Travel		02	5,000						
11.	Contractual		03	8,000						
12.	Commodities		04	3,500						
13.	Equipment		05	1,500						
14.	Other									
15.	TOTAL COST			71,705						
	RECEIPT CODE	FUNDING SOURCE								
16.		Federal Receipts 1002								
17.		G.F. Match 1003								
18.		General Funds 1004		71,705						
19.		I-A Receipts 1005								
20.		Program Receipts 1020								
21.		Other								
FOR B&M USE ONLY										
4A KEY NUMBER _____										

To accommodate the addition of new felony statutes for the prosecution of those who knowingly sell or distribute pornographic material which visually depletes children engaged in sexual behavior, the Department of Law is requesting two new attorney positions and a new secretary position. This is the second of two attorney positions which will be responsible for the enforcement of the new felony statutes statewide, including the pursuit of the many cases which will undoubtedly be appealed on constitutional grounds to the state's highest court and to the U.S. Supreme Court. These cases will involve complex legal issues which have been previously unaddressed by Alaska's criminal code.

AGENCY Department of Law

PROGRAM Due Process

BRU Prosecution

COMPONENT Third Judicial District

SSHB 270 No. 2

FY 84

Page 5 of 6

Revised Date _____

13 REQUEST FOR
NEW POSITION

1.	POSITION TITLE Legal Secretary I				RANGE/STEP 10B	BARG. UNIT CCU	FORM 12 PAGE/LINE	GOV.	APPROV.	DISAPP.	
2.	TYPE OF POSITION	STAFF MONTHS 10	RP NUMBER	PCN NUMBER	BRU PRIORITY	LOCATION Anchorage	ELECTION DISTRICT 8	LEG.			
3.	CONTINUATION LEVEL				ADDITION		JUSTIFICATION				
4.	TYPE OF EXPENDITURE				AMOUNT						
	1		2		3						
	PERSONAL SERVICES										
5.	Salary	1,726/month	17,260								
6.	Benefits		2,660								
7.	Supplemental Benefits		1,058								
8.	Fixed Benefits		2,400								
9.	TOTAL PERSONAL SERVICES		01	23,400							
10.	Travel		02	-0-							
11.	Contractual		03	2,000							
12.	Commodities		04	3,000							
13.	Equipment		05	14,500							
14.	Other										
15.	TOTAL COST			42,900							
	RECEIPT CODE	FUNDING SOURCE									
16.		Federal Receipts 1002									
17.		G.F. Match 1003									
18.		General Funds 1004			42,900						
19.		I-A Receipts 1005									
20.		Program Receipts 1020									
21.		Other									
FOR B&H USE ONLY											
4A KEY NUMBER _____											

JUSTIFICATION

This position is required to provide support for the two new attorney positions. This secretary will be responsible for the preparation of a large volume of court documents generated by the appeal of cases dealing with the constitutionality of Alaska's statutes on child pornography. The allocation of a single secretary to serve two full time attorneys is the minimum amount of support needed to meet the workload anticipated and is within the normal ratio of attorneys to secretaries for the Department of Law.

AGENCY Department of Law

PROGRAM Due Process

BRU Prosecution

COMPONENT Third Judicial District

SSHB 270 No. 2

Page 6 of 6

Revised Date _____

FY 84

13 REQUEST FOR
NEW POSITION

STATE OF ALASKA
FISCAL NOTE

Revision Date _____, 1983

I. REQUEST Page 1 of 2

Bill/Resolution No.: SSHB 270 No. 1
 Title: "An Act relating to child porno."
 Sponsor: Representative Liska
 Requestor: HESS Committee

II. FISCAL DETAIL

Agency Affected: Health & Social Services
 Program Category Affected: Justice
 BRU, Program of Subprogram(s) Affected: Adult Confinement

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		2.4	5.1	5.4	5.7	6.1
400 COMMODITIES		2.5	5.3	5.6	6.0	6.3
500 EQUIPMENT						
600 LAND & STRUCTURES			-	-	-	-
700 GRANTS, CLAIMS, ETC		.2	.2	.3	.3	.4
TOTAL OPERATING		5.1	10.6	11.3	12.0	12.8
CAPITAL	-0-	146.0	-0-	-0-	-0-	-0-
REVENUE	-0-	-0-	-0-	-0-	-0-	-0-

FUNDING: (Thousands of Dollars)

GENERAL FUND	-0-	151.1	10.5	11.3	12.0	12.8
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS:

FULL-TIME	-0-	-0-	-0-	-0-	-0-	-0-
PART-TIME						
TEMPORARY						

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

The source of funds to offset the fiscal impact of this bill has not been identified by the sponsor.

IV. ANALYSIS: Attach a separate page for any Analysis

Prepared By: Roger C. Lange *Roger C. Lange* Phone: 465-3376
 Division: Adult Corrections Date: March 31, 1983
 Approved by Commissioner: Robert Gordon Smith Date: 4/7/83
 Department: Health & Social Services

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)

3/8/83

FISCAL NOTE

SSHB 270 No. 1
Page 2 of 2

IV. ANALYSIS

A. Assumptions

Based on conversations with Department of Law staff, it is assumed that there will be one additional Class B felony conviction and four Class C felony convictions per year. It is assumed all will be first time offenders. Therefore it is estimated that 50% of the Class B and 20% of the Class C felony offenders will receive terms of confinement. This will result in approximately 1.5 person years per year of jail time will be served.

It is further assumed that the distributors of child pornography will remove these materials from their visible stock and convictions for distribution of child pornography will decrease from the original estimate of four per year.

Therefore, it is estimated that one additional medium security bed will be required if this proposed legislation is enacted.

B. Program Summary

1. Positions - An average of one position is required for every 21 beds. Since only one bed is requested in the fiscal note, no positions are identified as being needed.
2. Other expenditures
 - a. Contractual Services
Medical care and counseling services \$2400
 - b. Commodities
Food and clothing \$2500
 - c. Grants
Inmate gratuities for kitchen, janitorial or other assigned tasks \$200.

C. Impact

There will be no significant economic or local government as a result of passage of this bill.

Alaska State Legislature

COMMITTEES

Vice Chairman — Judiciary
Vice Chairman — Legislative
Regulations Review
Resources
Finance Sub Committee on Labor



While in Session
Pouch V
State Capitol
Juneau, Alaska 99811
(907) 465-3733

Home - District 15
Star Route Box 421
Eagle River, Alaska 99577
(907) 688-2526

House of Representatives

John J. Liska

TO: All Members, Senate Judiciary Committee

RE: House Bill 270, "An Act relating to child pornography."

1. Establishing the age at 18:

Rationale:

- a. Enforcement of this law is predicated on proving to the court that the persons featured in these pornographic materials is under a certain age. When a victim cannot be positively identified (as in cases where materials are imported from outside Alaska and the child is not physically present) it is very difficult to prove beyond the standard reasonable doubt that a child who has reached the puberty stage of development is under 16 from physical appearance alone. Using 18, it would be much easier to prove when dealing with victims are actually between 13 and 16. This is the age bracket most encountered in the experience of the Anchorage Police Department according to Police Chief Porter. Attached is a news clippings which draws attention to need for broader parameters of this age limit. In this case as in many, many others, reasonable determination of probable age is the key to successful prosecution.
- b. Under existing law a person under the age of 18 is treated generally as subject to the juvenile system of justice as opposed to the adult system. It is only logical that we apply the same maturity standard when that same person is the victim under the law.
- c. January 26, 1983 Senator Specter introduced similar legislation in Washington, D.C. and the Bill being reviewed by Judiciary uses the age of 18 as its criteria. Should this Bill pass, Alaska State Statutes would conform to the Federal standard.

Locally-sold porn publication leads FBI to missing juvenile

by Jeff Berlner
Times Writer

A homosexual magazine for sale in Anchorage has led to the discovery that a juvenile depicted in the publication is a boy missing from his Costa Mesa, Calif., home for nearly four years.

The youth, James Wilfrid Trotter, now 17, was featured in a November 1982 Reader's Digest article on missing children. His whereabouts had been unknown since April 19, 1979.

Information uncovered by Anchorage police led to Trotter's discovery in San Francisco where he was allegedly working for a company employing underage youths in pornography.

Although an Anchorage ordinance prohibits the sale of pornography featuring minors, police chief Brian Porter said, "We defer to higher police authority: we turned everything over to the FBI."

Anchorage FBI agent John Darst acknowledged that he has the case but said he has not begun an investigation.

The FBI's inaction has angered U.S. Senate investigator Jay Howell who said he has complained to FBI headquarters in Washington D.C. Howell, under the direction of Sen. Paula Hawkins, R-Fla., has been working on the national problem of missing and exploited children.

"Our concern is that cases should be investigated," Howell said, "then what you need is enforcement."

Anyone involved in production, interstate distribution or sale of sexually explicit material employing juveniles is guilty of a felony under federal laws governing the sexual exploitation of children.

This would include the Anchorage book-sellers. One Anchorage adult book store owner denied he sold material depicting juveniles.

Trotter was 15 in some of the magazines for sale in Anchorage adult bookstores, according to a private investigator who — using information from the Anchorage police — found Trotter in San Francisco and verified that he was the "missing" youth featured in Reader's Digest four months ago.

Virginia private investigator Robert Levesque, who specializes in finding missing children, confirmed that he found Trotter and spoke with him.

Levesque gave this account of Trotter's life since his disappearance:

Running away just before his 15th birthday, Jamie, as he is called, made his way to Los Angeles where — after three months on the street — "he was kidnaped by a well-known pimp."

From that point on, Jamie supported himself by selling his body. He has appeared in

films, in 35 pornographic magazines and has worked for a studio which Levesque said specializes in pornography depicting underage youths.

"Jamie is considered a hustler and open for hire," the investigator said.

An unrelated investigation by Anchorage police investigator Frank Feichtinger, who works on child sexual abuse cases, turned up the evidence leading to Jamie's discovery, Chief Porter said.

"The publications are probably illegal," Porter said of the magazines sold in Anchorage featuring Jamie.

To determine whether they really do violate laws against child pornography, Jamie's age must be determined, Porter said. But since more serious federal laws govern child pornography, the chief said Anchorage police did not act to enforce the municipality's misdemeanor law against selling child pornography, but rather turned all its material over to the FBI to use as evidence.

"It's a zero case," said FBI agent Darst. "It's so nebulous that we don't know what we've got. We don't know how old he is in the magazines. Our San Francisco office will investigate it and present it to the U.S. attorney there to decide."

Darst said he has not given the material to the San Francisco FBI yet.

STATE OF ALASKA
THE LEGISLATURE

POUCH Y STATE CAPITOL
JUNEAU, ALASKA 99811
907 455 3800


LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

May 11, 1983

SUBJECT: Child pornography
(HB 270 and SB 221)

TO: Representative John J. Liska

FROM: James H. Lear
Legislative Counsel 

You have requested our office to respond to the legal issues raised by The Book Cache in a letter to the House Judiciary Committee regarding HB 270 and SB 221 and application of the United States Supreme Court ruling in New York v. Ferber, ___ U.S. ___, 73 L.Ed.2d 1113, 102 S.Ct. 3348 (1982). As a matter of law, both HB 270 and SB 221 fit squarely within the scope of the constitutional guidelines set forth in Ferber, contrary to the inferences raised in the letter.

The letter to the Committee quotes the Association of American Publishers as stating, in reference to legislation like that in HB 270 and SB 221, that "The Court's opinions in Ferber did recognize the potential that a statutory scheme seeking to achieve such a result could improperly impinge upon the dissemination of materials of a non-pornographic nature which have serious literary, artistic, scientific or educational value. In responding to the Ferber decision with any new legislative initiatives you must . . . make provision for the unfettered dissemination of non-pornographic, socially-useful materials which may involve depictions of minors engaged in otherwise forbidden sexual conduct." (emphasis supplied)

Contrary to the above inferences, the Supreme Court did not state in its majority opinion in Ferber that the New York statute in question improperly impinged upon, nor do HB 270 and SB 221 improperly impinge upon, the dissemination of materials of a non-pornographic nature which have serious literary, artistic, scientific or educational value. It is

true that the New York statute does, and that HB 270 and SB 221 would, impinge upon such dissemination, but the Supreme Court clearly declared in Ferber that this is "the paradigmatic case of a state statute whose legitimate reach dwarfs its arguably impermissible applications." The Supreme Court applied Broadrick v. Oklahoma, 413 U.S. 601, holding that whatever overbreadth exists should be cured through case-by-case analysis of the fact situations to which the statute's sanctions, assertedly, may be applied. Therefore, the Alaska State Legislature is not, as a matter of law, required to ". . . make provision for the unfettered dissemination of non-pornographic, socially-useful materials which may involve depictions of minors engaged in otherwise forbidden sexual conduct" as the letter suggests.

The letter contains a recommendation that the legislature amend the child pornography legislation to provide exceptions or affirmative defenses for "legitimate works" and makes reference to five states that have done so. To place this information in perspective, the Ferber decision indicates that forty-seven states have statutes specifically directed at the production of child pornography, at least half of which do not require that the materials produced be legally obscene. Thirty-five states have also passed legislation prohibiting the distribution of such materials, twenty of which do not require that the material be legally obscene. The five states referenced in the letter represent a relatively small percentage of states that have child pornography statutes. The Supreme Court made it perfectly clear that a state is not barred by the First Amendment from prohibiting the dissemination of material which shows children engaged in sexual conduct, regardless of whether such material is obscene.

The Court further clarified its position with regard to child pornography by dismissing the claim that the New York statute is unconstitutionally overbroad because it would forbid the distribution of material with serious literary, scientific or educational value or material which does not threaten the harm sought to be combatted by the state. The Supreme Court forcefully expressed that the states are entitled to greater leeway in the regulation of pornographic depictions of children for the following reasons:

- (1) the legislative judgment that the use of children as subjects of pornographic materials is harmful to the

physiological, emotional, and mental health of the child, easily passes muster under the First Amendment;

(2) the standard of Miller v. California, 413 U.S. 15, for determining what is legally obscene is not a satisfactory solution to the child pornography problem;

(3) the advertising and selling of child pornography provides an economic motive for and is thus an integral part of the production of such materials, an activity illegal throughout the nation;

(4) the value of permitting live performances and photographic reproductions of children engaged in lewd exhibitions is exceedingly modest, if not de minimis; and

(5) recognizing and classifying child pornography as a category of material outside the First Amendment's protection is not incompatible with this Court's decisions dealing with what speech is unprotected. When a definable class of material, such as that covered by the New York statute, bears so heavily and pervasively on the welfare of children engaged in its production, the balance of competing interests is clearly struck, and it is permissible to consider these materials as outside the First Amendment's protection.

Throughout its ruling in Ferber the Supreme Court emphasized that the states have uniformly indicated the paramount government objective of preventing sexual exploitation of children as subjects in sexual performances, since the care of children is a sacred trust and should not be abused by those who seek to profit through a commercial network based on the exploitation of children. The Court underscored the long-term physiological, emotional, and mental repercussions on a child as a result of having a permanent record made of the child's participation in the production of sexually explicit materials, indicating that distribution of those materials may haunt the child for life.

The Court considered it "unlikely that visual depictions of children performing sexual acts or lewdly exhibiting their genitals would often constitute an important and necessary part of a literary performance or scientific or educational work. As the trial court in this case observed, if it were

Representative John J. Liska

Page 4

May 11, 1983

necessary for literary or artistic value, a person over the statutory age who perhaps looked younger could be utilized. Simulation outside of the prohibition of the statute could provide another alternative. Nor is there any question here of censoring a particular literary theme or portrayal of sexual activity. The First Amendment interest is limited to that of rendering the portrayal somewhat more "realistic" by utilizing or photographing children."

In summary, HB 270 and SB 221 do not need to be amended to comply with the pronouncements by the Supreme Court in Ferber. Additionally, the suggestion that the proposed legislation has to be modified to provide exceptions or affirmative defenses for material which, when taken as a whole, possesses serious literary, scientific, social, artistic or educational value, is a policy consideration that the legislature is at liberty to accept or reject without worrying whether the legislation would be declared invalid.

JHL:ljb

19/021

STAFF REPORT

HB 270 RELATING TO CHILD PORNOGRAPHY

MARCH 30, 1983

Dave Palmer

Section 1.

11.41.455 (a) Unlawful exploitation of a minor--defines the crime. This is the existing statute. No change.

(b) This new subsection provides that those adults who have custody of a minor who knowingly permit the exploitation in (a) are guilty of exploitation.

(c) Both offenses are a class B felony.

11.61.125 (a) This new section makes distribution or intent to distribute child pornography a crime.

(b) certain exemptions are allowed for employees of a theater.

(c) Distribution of child pornography is a class C felony.

The SSHB 270 deletes the definition of "obscene". A memo from legal services cites a US Supreme Court case that allows penalization for the production of child pornography and the distribution of material depicting children engaged in sexual conduct without requiring that the material be legally obscene.

Additional amendments are proposed by the sponsor. He requests they be incorporated into the bill as a committee substitute. The proposed changes are attached to this report

Two fiscal notes are attached. a zero note from the Department of Public Safety, and a \$185.6 fiscal note from the Department of Law.

"An Act relating to child pornography."

House Bill 270 amends the criminal code by adding three major provisions to the laws dealing with child pornography:

1. The parent, legal guardian or person having custody or control of a child under 16 years of age under this Bill commits the crime of unlawful exploitation of a minor if he permits the child to engage in unlawful sexual conduct for commercial purposes;
2. The Bill defines "obscene", which previously had been up to the discretion of the courts to define;
3. The Bill adds a new section which makes the distribution of child pornography materials illegal.

BACKGROUND

The extent to which Alaskan youth are victims of child pornography is unknown, although recent investigations by the Anchorage Crime Commission indicate there may be as many as 30 child slavery and pornography rings in Alaska, with networks to the lower 48 and overseas. Anchorage law enforcement officials believe the problem to be worse in Alaska than in other parts of the country due to criminals being drawn to Alaska by its wealth, by the heavy drug and alcohol abuse, the young and mobile Alaskan population and the overloaded law enforcement and court systems. In a case currently before the courts in Anchorage, one individual is charged with 29 counts of sex crimes against juveniles, including the making of pornographic movies.

It is estimated that at least half the youths in McLaughlin have been sexually abused, and some private residential facilities would estimate that closer to 85% - 95% of the youth served have been victims of sexual abuse. Many youth who have been sexually abused at home, runaway and end up being victimized by individuals who lure them into prostitution, child pornography and other illegal activities.

POSITION

The Department of Health and Social Services supports House Bill 270, which considerably strengthens the statutes regarding child pornography. By making it illegal for the person who has the legal custody or control of the child, whether the parent or not, to permit the child to engage in child pornography for commercial purposes, it recognizes the responsibility of parents and custodians to provide protection for children in their care. Secondly, by extending criminal liability to the distributor of child pornography, this bill recognizes that without promotion and marketing of the child pornography materials, there would be no financial motive for the sexual exploitation of children.

RECOMMENDED: Michael L. Price
Michael L. Price, Director
Division of Family and
Youth Services

DATE: March 23, 1983

APPROVED BY: Robert London Smith
Robert London Smith, Ph.D.
Commissioner

DATE: 3/30/83

I. REQUEST

Bill/Resolution No.: HB 270
 Title: Child Pornography
 Sponsor: Liska
 Requestor: _____

II. FISCAL DETAIL

Agency Affected: H&SS
 Program Category Affected: Social Services
 BRU, Program of Subprogram(s) Affected: None

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

CAPITAL						
---------	--	--	--	--	--	--

REVENUE						
---------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUND		0	0	0	0	0
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS:

FULL-TIME		0	0	0	0	0
PART-TIME						
TEMPORARY						

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

Enactment of this Bill would have no fiscal impact on the Division of Family and Youth Services as child pornography is already included in reporting of abuse.

IV. ANALYSIS: Attach a separate page for any Analysis

Prepared By: Michael L. Price, Director Phone: 465-3170
 Division: Family and Youth Services Date: 3/22/83

Approved by Commissioner: [Signature] Date: 3/30/83
 Department: H&SS

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)

STATE OF ALASKA
FISCAL NOTE

Revision Date _____, 1983

I. REQUEST

Bill/Resolution No.: CSSSHB 270 (Hess)
 Title: "Child Pornography"
 Sponsor: Repr. Liska
 Requestor: House Finance Committee

II. FISCAL DETAIL

Agency Affected: Department of Law
 Program Category Affected: Adm. of Justice
 BRU, Program of Subprogram(s) Affected: Prosecution

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
OPERATING						
100 PERSONAL SERVICES		130.1	165.5	175.4	185.9	197.1
200 TRAVEL		10.1	12.8	13.6	14.4	15.3
300 CONTRACTUAL		18.0	20.7	21.9	23.2	24.6
400 COMMODITIES		10.0	5.7	6.0	6.4	6.8
500 EQUIPMENT		17.5				
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC						
TOTAL OPERATING		185.6	204.7	217.0	230.0	243.8
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND		185.6	204.7	217.0	230.0	243.8
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS:

FULL-TIME		3	3	3	3	3
PART-TIME						
TEMPORARY						

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

Not specified by sponsor.

IV. ANALYSIS: Attach a separate page for any Analysis

Prepared By: Richard I. Pegues, Director

Division: Administrative Services Division

Phone: 465-3672

Date: April 12, 1983

Approved by Commissioner: Norman C. Gorsuch, Attorney General

Department: Department of Law

Date: April 12, 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)

HB 270
Fiscal Note
Analysis

Section 1 of this bill adds a new subsection to the current Unlawful Exploitation of a Minor statute, making it a class B felony for a parent or guardian to knowingly allow his child to participate in sexual activities which will be used to produce a pornographic film, TV show, photograph, etc. Since in most cases a parent who would knowingly allow his child to engage in such activity would also be involved in "inducing or employing" the child to perform these acts (conduct which is already covered under existing law), it is expected that there would be only a few additional prosecutions under this portion of the bill. These few new cases could probably be handled by the present prosecution staff.

Section 2 of the bill makes it a class C felony for a person to knowingly sell or distribute pornographic material which visually depicts children engaged in sexual behavior. The bill could result in a large number of additional criminal prosecutions, as the sale or distribution of pornographic material of any sort is not now a criminal offense in this state. It is anticipated that enforcement of the new law would require the addition of two new prosecutors and one new secretary statewide. This estimate is based on the number of establishments in this state which are known to sell pornographic material, the complexity of legal issues that are involved in these types of cases, and the knowledge that convictions under similar statutes in other states are almost always appealed on constitutional grounds to the highest appellate court in the state, and frequently to the United States Supreme Court.

The committee substitute increases the age of unlawful exploitation of a minor from 16 years of age to 18 years of age. This change will increase the potential number of prosecutions, however, such prosecutions become more difficult due to the problem of establishing the chronological age of young people who are undergoing rapid physical development, which can vary substantially by individual. Consequently, no changes to our fiscal note dated March 29, 1983, will occur.

Fiscal Analysis - SFHB 270

The impact of HB 270 is expected to result in the addition of two Attorney IV positions (SR 24) and one Legal Secretary position (SR 10).

The first year of this analysis will cover 10 months of FY 84, allowing 2 months for these three positions to be established. The costs beyond FY 84 have been projected on a 12 month basis and include a 6% annual inflation factor.

1st Year (10 months)

	<u>AIV(PFT)</u>	<u>AIV(PFT)</u>	<u>L/SI(PFT)</u>	<u>TOTAL</u>
Personal Services	53.7	53.7	23.4	130.1
Travel	5.0	5.0	-0-	10.0
Contractual	8.0	8.0	2.0	18.0
Commodities - ongoing	1.5	1.5	1.5	4.5
Commod. - single time	2.0	2.0	1.5	5.5
Equipment - single time	1.5	1.5	14.5	17.5
				<hr/>
				185.6

2nd Year (12 months + 6% annual inflation)

Personal Services	68.3	68.3	28.9	165.5
Travel	6.4	6.4	-0-	12.8
Contractual	9.1	9.1	2.5	20.7
Commodities	1.9	1.9	1.9	5.7
				<hr/>
				204.7

1.	POSITION TITLE Attorney IV			RANGE/STEP 24A	DARG. UNIT X	FORM 12 PAGE/LINE	GOV.	APPRDV.	DISAP.
2.	TYPE OF POSITION PFT	STAFF MONTHS 10	RP NUMBER	PCN NUMBER	BRU PRIORITY	LOCATION Anchorage	ELECTION DISTRICT 8	LEG.	
3.	CONTINUATION LEVEL			ADDITION	JUSTIFICATION				
4.	TYPE OF EXPENDITURE			AMOUNT					
	1	2	3						
	PERSONAL SERVICES								
5.	Salary	4,251/month	42,510						
6.	Benefits		6,555						
7.	Supplemental Benefits		2,240						
8.	Fixed Benefits		2,400						
9.	TOTAL PERSONAL SERVICES		01	53,705					
10.	Travel		02	5,000					
11.	Contractual		03	8,000					
12.	Commodities		04	3,500					
13.	Equipment		05	1,500					
14.	Other								
15.	TOTAL COST			71,705					
RECEIPT CODE FUNDING SOURCE									
16.		Federal Receipts		1002					
17.		S.F. Match		1003					
18.		General Funds		1004	71,705				
19.		I-A Receipts		1005					
20.		Program Receipts		1020					
21.		Other							
FOR D&H USE ONLY									
4A KEY NUMBER _____									

To accommodate the addition of new felony statutes for the prosecution of those who knowingly sell or distribute pornographic material which visually depicts children engaged in sexual behavior, the Department of Law is requesting two new attorney positions and a new secretary position. This is one of two attorney positions which will be responsible for the enforcement of the new felony statutes statewide, including the pursuit of the many cases which will undoubtedly be appealed on constitutional grounds to the state's highest court and to the U.S. Supreme Court. These cases will involve complex legal issues which have been previously unaddressed by Alaska's criminal code.

13 REQUEST FOR
NEW POSITION

AGENCY Department of Law
PROGRAM Due Process
BRU Prosecution
COMPONENT Third Judicial District

FY 84

Page _____ of _____
Revised Date _____

1.	POSITION TITLE Attorney IV				RANGE/STEP 24A	ORG. UNIT X	FORM 12 PAGE/LINE	GOV.	APPROV.	DISA/P.
2.	TYPE OF POSITION PPT	STAFF MONTHS 10	RP NUMBER	PCN NUMBER	BRU PRIORITY	LOCATION Anchorage	ELECTION DISTRICT 8	LEG.		
3.	CONTINUATION LEVEL				JUSTIFICATION					
4.	TYPE OF EXPENDITURE				AMOUNT					
	1		2		3					
	PERSONAL SERVICES									
5.	Salary 4,251/month		42,510							
6.	Benefits		6,555							
7.	Supplemental Benefits		2,240							
8.	Fixed Benefits		2,400							
9.	TOTAL PERSONAL SERVICES		01		53,705					
10.	Travel		02		5,000					
11.	Contractual		03		8,000					
12.	Commodities		04		3,500					
13.	Equipment		05		1,500					
14.	Other									
15.	TOTAL COST				71,705					
JUSTIFICATION										
To accommodate the addition of new felony statutes for the prosecution of those who knowingly sell or distribute pornographic material which visually depicts children engaged in sexual behavior, the Department of Law is requesting two new attorney positions and a new secretary position. This is the second of two attorney positions which will be responsible for the enforcement of the new felony statutes statewide, including the pursuit of the many cases which will undoubtedly be appealed on constitutional grounds to the state's highest court and to the U.S. Supreme Court. These cases will involve complex legal issues which have been previously unaddressed by Alaska's criminal code.										
	RECEIPT CODE	FUNDING SOURCE								
16.		Federal Receipts 1002								
17.		G.F. Hatch 1003								
18.		General Funds 1004			71,705					
19.		I-A Receipts 1005								
20.		Program Receipts 1028								
21.		Other								
FOR O&M USE ONLY										
4A KEY NUMBER _____										

13 REQUEST FOR
NEW POSITION

AGENCY Department of Law
PROGRAM Due Process
BRU Prosecution
COMPONENT Third Judicial District

FY 84

Page _____ of _____
Revised Date _____

1.	POSITION TITLE Legal Secretary I			RANGE/STEP 10B	DEPT. UNIT CGU	FORM 12 PAGE/LINE	GOV.	APPROV.	DISAP.
2.	TYPE OF POSITION	STAFF MONTHS 10	RP NUMBER	PCN NUMBER	BRU PRIORITY	LOCATION Anchorage	ELECTION DISTRICT 8	LEG.	

3.	CONTINUATION LEVEL	ADDITION	
4.	TYPE OF EXPENDITURE		AMOUNT
	1	2	3
	PERSONAL SERVICES		
5.	Salary 1,726/month	17,260	
6.	Benefits	2,660	
7.	Supplemental Benefits	1,058	
8.	Fixed Benefits	2,400	
9.	TOTAL PERSONAL SERVICES	01	23,400
10.	Travel	02	-0-
11.	Contractual	03	2,000
12.	Commodities	04	3,000
13.	Equipment	05	14,500
14.	Other		
15.	TOTAL COST		42,900

JUSTIFICATION

This position is required to provide support for the two new attorney positions. This secretary will be responsible for the preparation of a large volume of court documents generated by the appeal of cases dealing with the constitutionality of Alaska's statutes on child pornography. The allocation of a single secretary to serve two full time attorneys is the minimum amount of support needed to meet the workload anticipated and is within the normal ratio of attorneys to secretaries for the Department of Law.

	RECEIPT CODE	FUNDING SOURCE	
16.		Federal Receipts 1002	
17.		G.F. Match 1003	
18.		General Funds 1004	42,900
19.		I-A Receipts 1005	
20.		Program Receipts 1020	
21.		Other	

FOR B&H USE ONLY
4A KEY NUMBER _____

13 REQUEST FOR
NEW POSITION

AGENCY Department of Law
PROGRAM Due Process
BRU Prosecution
COMPONENT Third Judicial District

FY 84

Page _____ of _____
Revised Date _____

M E M O R A N D U M

March 17, 1983

SUBJECT: Child pornography
(HB 270)

TO: Representative John Liska

FROM: James H. Lear
Legislative Counsel

In response to your request, I drafted HB 270 relating to child pornography. Monday afternoon, Mike Gay requested that I redo the bill to define the word "obscene". He indicated that it would have to be done by 9:00 yesterday morning. With just a short amount of time to fulfill this request, I inserted sec. 2 that would add a new paragraph to AS 11.41.470 (definitions) that would define "obscene" to mean

". . . conduct that, taken as a whole and applying to contemporary community standards,

- (A) appeals to the prurient interest in sex;
- (B) is patently offensive; and
- (C) lacks serious literary, artistic, political, or scientific value."

This definition sets out the standard established by the United States Supreme Court in Miller v. California, 413 U.S. 15, 37 L.Ed.2d 419, 93 S.Ct. 2607 (1973).

You should be advised that the standard set forth in Miller for determining obscenity may be relaxed by the states in prohibiting child pornography. Unfortunately, I was not aware of the July, 1982, case of New York v. Ferber, ___ U.S. ___, 73 L.Ed.2d 1113, 102 S.Ct. 3348, in which the United States Supreme Court drew the distinction between child pornography and other forms of obscenity.

I will outline the critical points made in New York v. Ferber, supra, and summarize your alternatives with HB 270.

March 17, 1983

At issue in New York v. Ferber is the constitutionality of a New York criminal statute which prohibits persons from knowingly promoting sexual performances by children under the age of 16 by distributing material which depicts such performances.

The decision highlights the fact that the federal government and 47 states have sought to combat the problem of child pornography with statutes specifically directed at the production of child pornography. At least half of such statutes do not require that the materials produced be legally obscene (i.e., that apply the Miller standard). Thirty-five states and the United States Congress have also passed legislation prohibiting the distribution of such materials. Twenty states prohibit the distribution of material depicting children engaged in sexual conduct without requiring that the material be legally obscene.

The heart of the New York v. Ferber case is a pronouncement by the United States Supreme Court that it is permissible for a state to penalize the production of child pornography and the distribution of material depicting children engaged in sexual conduct without requiring that the material be legally obscene.

Here is how the Court arrived at that decision. The Court stated the issue as follows:

To prevent the abuse of children who are made to engage in sexual conduct for commercial purposes, could the New York State Legislature, consistent with the first amendment, prohibit the dissemination of material which shows children engaged in sexual conduct, regardless of whether such material is obscene?

The Supreme Court indicated that this case constitutes its first examination of a statute directed at and limited to depictions of sexual activity involving children. The Court then began with the question of whether a state has somewhat more freedom in proscribing works which portray sexual acts or lewd exhibitions of genitalia by children. The Court reviewed the position taken in Miller, supra, that the

. . . states have a legitimate interest in prohibiting dissemination or exhibition of obscene material when the mode of dissemination carries with it a significant

March 17, 1983

danger of offending the sensibilities of unwilling recipients or of exposure to juveniles.

Miller v. California, 413 U.S., at 19.

The Miller standard, like its predecessors, was an accommodation between the states' interests in protecting the "sensibilities of unwilling recipients" from exposure to pornographic material and the dangers of censure inherent in unabashedly content based laws. Like obscenity statutes, laws directed at the dissemination of child pornography run the risk of suppressing protected expression by allowing the hand of the censor to become unduly heavy. For the following reasons, the Court was persuaded that the states are entitled to greater leeway in the regulation of pornographic depictions of children.

- (1) It is evident beyond the need for elaboration that a state's interest in "safeguarding the physical and psychological well-being of a minor" is compelling.
- (2) The distribution of photographs of and films depicting sexual activity by juveniles is intrinsically related to the sexual abuse of children.
- (3) The advertising and selling of child pornography provides an economic motive for and is thus an integral part of the production of such materials, an activity illegal throughout the nation.
- (4) The value of permitting live performances and photographic reproductions of children engaged in lewd sexual conduct is exceeding modest, if not deminimus.
- (5) Recognizing and classifying child pornography as a category of material outside the protection of the First Amendment is not incompatible with the Court's earlier decisions.

The Court reiterated that the test for child pornography is separate from the obscenity standard enunciated in Miller, but may be compared to it for purposes of clarity. The Miller formulation is adjusted in the following respects:

- (1) A trier of fact need not find that the material appeals to the prurient interest of the average person;

March 17, 1983

(2) It is not required that sexual conduct portrayed be done so in a patently offensive manner; and

(3) The material at issue need not be considered as a whole.

The Court did indicate, however, that there are limits on the category of child pornography which, like obscenity, is unprotected by the First Amendment. As with all legislation in this sensitive area, the conduct to be prohibited must be adequately defined by the applicable state law, as written or authoritatively construed. Here the nature of the harm to be combatted requires that the state offense be limited to works that visually depict sexual conduct by children below a specified age. The category of "sexual conduct" proscribed must also be suitably limited and described.

The Supreme Court proceeded to analyze the New York statute observing that the forbidden acts to be depicted are listed with sufficient precision and represent the kind of conduct, that, if it were the theme of a work, could render it legally obscene: "Actual or simulated sexual intercourse, deviate sexual intercourse, sexual bestiality, masturbation, sado-masochistic abuse, or lewd exhibition of the genitals". The Court gave special emphasis to the fact that the term "lewd exhibition of the genitals" is not unknown to the Court in this area and, indeed, was given in Miller as an example of a permissible regulation.

The Supreme Court made it perfectly clear that a state is not barred by the First Amendment from prohibiting the dissemination of material which shows children engaged in sexual conduct, regardless of whether such material is obscene.

The Court further clarified its position with regard to child pornography by dismissing the claim that the New York statute is unconstitutionally overbroad because it would forbid the distribution of material with serious literary, scientific or educational value or material which does not threaten the harm sought to be combatted by the state. The Court held this to be the paradigmatic case of a state statute whose legitimate reach dwarfs its arguably impermissible applications. The Court seriously doubted that those arguably impermissible applications of the statute amount to more than a tiny fraction of the materials within the statute's reach.

acts
defined

*

March 17, 1983

The Supreme Court refused to assume that the New York Courts will widen the possibly invalid reach of the statute by giving an expansive construction to the proscription on "lewd exhibitions of the genitals". Whatever overbreadth might exist should be cured through case by case analysis of the fact situations to which its sanctions, assertedly, may not be applied.

Now, how does this decision effect HB 270?

It means that HB 270 could be amended to delete the definition of "obscene" set out in sec. 2 of the bill, since it is permissible for the state to enforce AS 11.41.455 and AS 11.61.125 without a court finding that a depicted touching or exhibition is obscene. I would suggest, however, inserting the word "visually" before the word "depicts" on page 1, line 13, and on page 2, line 18; and changing the word "obscene" to "lewd" on page 1, lines 18, 20, and 24.

The suggested changes to HB 270 would give the state much greater latitude in enforcing the child pornography laws and still be within the constitutional guidelines set forth by the United States Supreme Court.

JHL:ljb
10/012

Marroyce Hall

Dear Ms. Hall:

The following written statement reflects my personal views based on my experience as a police officer and citizen of this community.

The Anchorage Police Department investigates cases of lewd and lascivious acts towards children on a regular basis. In my experience, the suspect has a history of such behavior coupled with a drinking problem and a fondness of pornographic material.

Concerning pornographic material and lewd and lascivious acts towards children, one search I conducted produced pornographic material using children in various poses. This material was obtained from a California based firm using children from the ages of nine to fifteen years. The advertisement from this firm was very graphic, stating "Hard to find nymphets, exposing the secrets of puberty. These foxy mini-chicks are luciously posed to tease and please you." "The 8 x 10 sets are something a bit different and unusual. Set #1 contains four different girls in a full figure split pose and nice genital close-up of each. Set #2 features eight different girls, each in full figure split crotch poses."

Other publications using juveniles as the basis for the subject matter are:

YOUNG & NAKED, published by Sun West - \$4.00
TEEN TEASER, Eros Publishing Co. - \$5.00
TEASING TEEN, Eros Publishing Co. - \$4.00
LITTLE NUDES, Fr Publishing Co. - \$5.50
LOLITOTS, Delta Publishing Co. - \$9.50
TEENAGE NUDIST, S, Inc. - \$4.00
TINY NUDES, Golden News - \$6.00
LITTLE GIRLS FUCK, TWC, No Publishing company names, no price

Other publications using artistic semblance to hide behind are:

SHOW ME, by Will McBride - \$12.95
IN SEARCH OF YOUNG BEAUTY, by Charles Dubois Hedges - \$8.50
published by A.S. Barnes and Co., Inc.

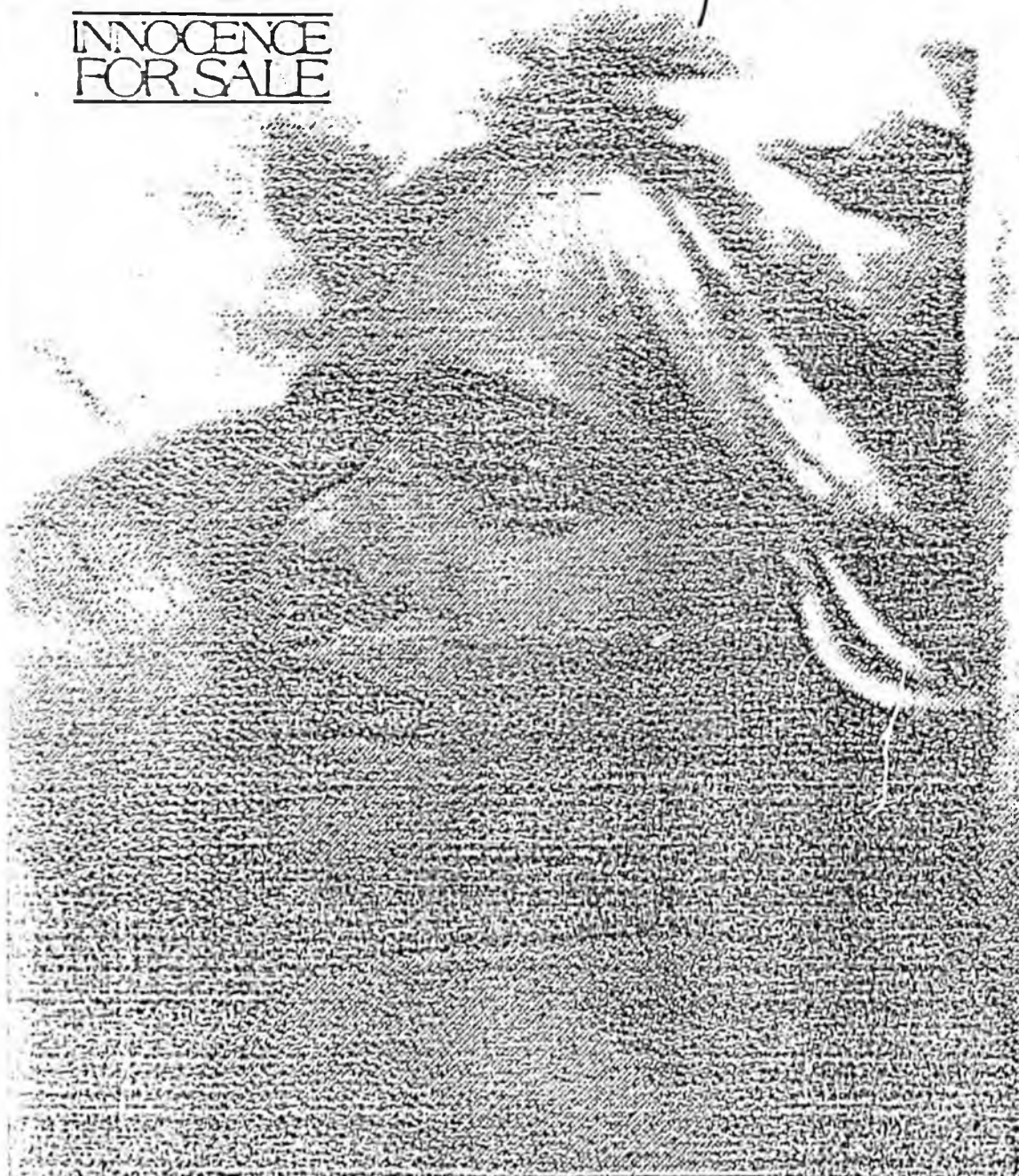
All of the listed publications and two photograph albums with pictures obtained through the California publishing company were obtained in Anchorage this year. This search resulted in a conviction on one subject for two counts of lewd and lascivious acts towards children, the oldest of which was nine years old. The defendant in this case did have a drinking problem, did have a history of such behaviour and obviously had a fondness for this type of material. He showed this material to the two young boys and then performed acts on them, presumably while another child took photos.

I am not a psychiatrist nor am I a social worker; simply a police officer and a father. It is my opinion that there is no reason why such material should be sold or transported through the mail. I am not concerned for the consumer. My concern is for the children being used and the victims of such acts as I have described.

Sincerely,

Alvin Karpis

**INNOCENCE
FOR SALE**



Who are these children? The Indianapolis, Indiana, Police Department has asked the Journal to publish the pictures of these youngsters, all victims of child pornography.



zi
he
to-
no
in
De
u
"S
su
th
pt
S
th
ki
en
lik
th
tio
gu
be
sa
an
In
ap
gr
fil
ch
lo
co
we
ste
uc
ma
ab
de
we
ob
ag
ha
tu
a
in
ag
tr
ch
st
is
-
the
is

been seen or heard from since.

"Child snatching, kidnapping and the ugly things that happen to these kids are so horrendous that people refuse to deal with them," explains Stan Patz, father of missing Etan. "Trying to handle cases like ours on a local level is a tremendous impediment. We need a centralized, national clearinghouse with information about which children are missing and how they can be identified."

But most cases fall to local police, against whom some parents of missing children raise a litany of complaints. Because so many children do run away from home, police label most missing kids runaways. And unless the child is very young or evidence of foul play exists, police

course, occurs when the child is not a runaway and could possibly have been helped if immediate action had been taken.

On the morning after Christmas, 1974, 13-year-old Janna Hanson went to a friend's house. A short time later, Doreen Hanson drove by to pick up her daughter; Janna wasn't there. Doreen immediately went to the police, but they wouldn't search for 24 hours.

When police did finally begin an investigation, it was too late. Janna's body was found after several months, and evidence indicated she had been murdered on December 26.

Parents also complain bitterly about the FBI's refusal to help find missing children. The FBI becomes involved in a missing-child case



11. Shannon E. Zelber, N.Y., Missing: 1/11/82 Age: 11; 12. Michelle Lee Oglesby, Calif., Missing: 10/22/81 Age: 10; 13. Tamela Lynn Hall, W.Va., Missing: 11/12/80 Age: 9; 14. Taj Narbonne, Mass., Missing: 3/13/81 Age: 9; 15. Etan Patz, N.Y., Missing: 3/25/79 Age: 6;

commonly will not act on a missing-child report for 24 hours. The reason: sheer work volume. A surfeit of violent crimes—most with injured victims and plenty of evidence—takes priority over the "maybe" crime of a missing youngster.

The heart-rending tragedy, of

only when there's proof of a kidnapping—such as a ransom note—or evidence that the child was taken across state lines.

"The first-time disappearance of a minor should be prima facie evidence that a kidnapping has taken place," says John Clinkscales, whose

son Kyle disappeared six years ago. "The FBI could then become immediately involved, and there might be a chance of finding some of these children. We need help."

And answers. Parents always ask the inevitable: *Why? Why would someone steal a child? Why my child?* There are many answers, yet no answers.

A million couples a year divorce in the United States, and many of these cases result in child snatchings. For love, hate, spite or revenge, one parent steals a child from the other.

In December 1974, Gloria Yerkovich said good-bye to her four-year-old Joanna as the girl left to spend the weekend with her father. She didn't want to go, but

school, grow up and lead a more or less normal life.

When a stranger steals a child, anything can happen. Parents of missing children hope that their child will end up in a loving, caring family, perhaps through black-market adoption. The cruel truth is that a missing child stands a fair chance of being murdered. Each year an estimated 2500 children in the United States disappear and later are found murdered.

While the abduction and murder of a child is a senseless, psychotic act, many children are used for much more calculated reasons. Says K. Wooden, "Kids are constantly being sought for the lucrative child-prostitution business. Most police departments and public officials



16. Sabrina Raynell Drake, Okla., Missing: 8/15/80 Age: 6; 17. Tommy (Landau) Perlstein, N.Y., Missing: 12/26/81 Age: 9; 18. Marian Wavie Batson, Fla., Missing: 1/7/80 Age: 16; 19. James W. Rogers, Mass., Missing: 10/18/81 Age: 14.

a court order had said she must.

Joanna never returned. The separation that was to last a weekend has stretched to 7½ years.

Despicable as parental kidnapping is, these children may be more fortunate than others. At least there's a chance they will go to

aren't doing anything about it."

If fear about what may be happening to a missing child is the parents' primary emotion, frustration is the second. Often,

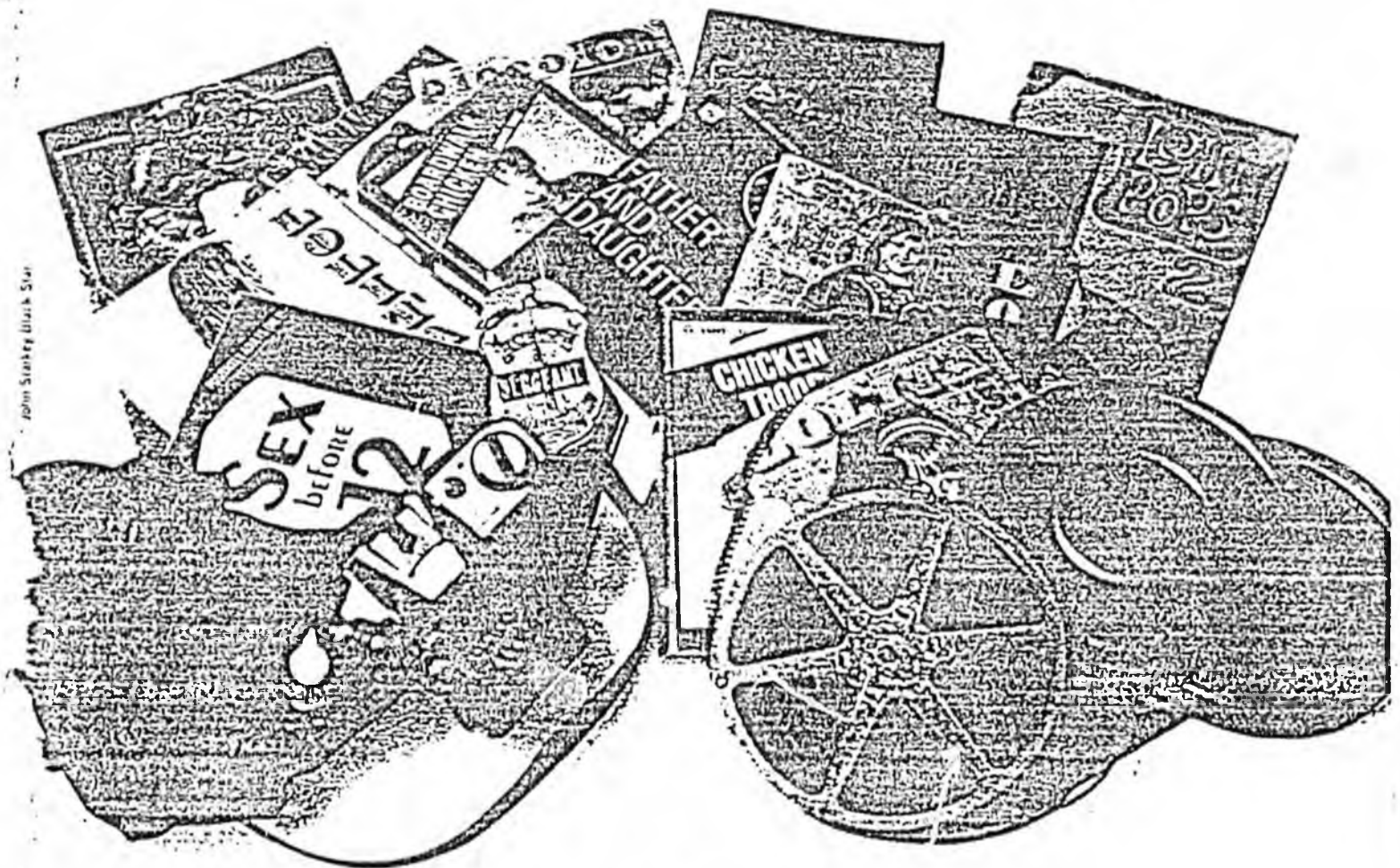
little more is done once local police exhaust all leads. Teleprinted missing-child reports from one city do not carry a high priority in another. Verbal descriptions alone are often useless.

Out of desperation, parents turn to posting fliers and driving by

LADIES' HOME JOURNAL APRIL 1983

INNOCENCE FOR SALE

A SPECIAL REPORT ON
CHILD PORNOGRAPHY



By Rita Rooney

While most children are riding bicycles and playing in schoolyards, some one million American youngsters have had their childhoods stolen by pornographers out for pleasure . . . and for profit.

READER'S DIGEST

parks and other areas frequented by children. "It's a totally helpless feeling," says Stan Patz. "There's just nothing more we can do."

In the past few years, however, various groups have been formed—usually by parents or relatives of missing children—to advise and comfort distraught parents. One such organization is Child Find, Inc., Box 277, New Paltz, N.Y. 12561. It maintains a toll-free number (800-431-5005) to be used by children searching for their parents or parents trying to identify missing children. Another organization is SEARCH, which publishes *The National Run-away/Missing Persons Report*, a magazine containing photos, descriptions and personal data that can help identify the missing. The report is distributed about every three months to 22,000 agencies and individuals in law enforcement, security, medicine and social service. SEARCH's address is 560 Sylvan Ave., Englewood Cliffs, N. J. 07632. (All correspondence should include a stamped, self-addressed envelope.) Phone: 201-567-4040.

But such efforts are not likely to solve the problem overnight. At present, hope is a parent's most sustaining weapon.

For some families, that hope does not cease even after a child's body is found. Says Doreen Hanson: "After our daughter's remains were discovered, we still kept searching, at least in our minds. For weeks after, I would see a girl on the street who resembled my daughter and I would hope in my heart that it was Janna."

"No one on the outside can understand the trauma taking place in a family that has a child missing. The frustration, the not knowing, the agony are beyond explanation."

If you have information regarding children: Nos. 1-17, contact Child Find, Inc. (800-431-5005); No. 18, contact Dee Scofield Awareness Program, Inc. (813-839-5025 or 813-681-4357); No. 19, Hanson, Mass., Police Dept. (617-294-8081).

✦ For information on reprints of this article, see page 199 ✦

The following organizations are also interested in the missing-child problem:

Find Me Inc., P.O. Box 1612, LaGrange, Ga. 30241; National Coalition for Children's Justice, 1214 Evergreen Rd., Yardley, Pa. 19067; Dee Scofield Awareness Program, Inc., 4418 Bay Court Ave., Tampa, Fla. 33611; Family and Friends of Missing Persons and Violent Crime Victims, P.O. Box 21444, Seattle, Wash. 98111

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 Marjory 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 high marketable commodity," the report says. "Anchorage has a core adult criminals have al-

See Back Page, NETWORK

Network of modern-day Fagans is turning Anchorage kids into criminals, report claims

Continued from Page A-1

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 overextended 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 cruising homosexuals."

Hall said a second report containing committee recommendations would be released in 20 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 courts, Carlos "Chico" Rodriguez has been charged with 29 counts of sexual assault 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.

Prostitute 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 enforcement 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, Nelson said modern-day Fagans cruise palatial 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 school yards," 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 peddlers 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 flying his only

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

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

tion. 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 Glen Sullivan in June 1981.

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 Royce Hall, chairwoman of the Crime Commission committee on juvenile crime. She said their existence came to light in the past 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 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's core adult criminals have

See Back Page, NETY

Network of modern-day Fagans is turning Anchorage kids into criminals, report claims

Continued from Page A-1

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 Alaskan 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 cruising homosexuals."

Hall said a second report containing committee recommendations would be released in 20 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 courts, 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

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 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 into the Sixth Avenue jail.

At the press conference Porter said new legislation making it easier to prosecute juveniles would be helpful two ways: It would make 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 retaliation.

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.

Child sex abuse 'epidemic' hits home

Continued from page 1
by Jeff Bertiner
Times Writer

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

"Epidemic," proclaims assistant Attorney General Gayle Horeski.

Once something thought to occur in New York, Los Angeles, and other big cities, 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 Van Hoomissen.

"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' strikes hard in 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 543 runaways in 1982, 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 molest-

ing children. 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 describe 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 2 1/2 months ago.

Fifty cases are awaiting prosecution in Anchorage. Two or three new cases are referred to the Anchorage district attorney's

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 Bullitt, 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 303 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

penalties. The 1980 law 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" Felchinger, 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 Horetzki, who works out of the chief prosecutor's office in Juneau, has testified before legislative committees about the "epidemic." And last week she finished rewriting a package of laws to close loopholes through which she claims some sex offenders slip.

Lupori is working with Marroyce 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 trying to make its educational campaign a permanent part of public school curriculum — beginning in elementary school.

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

At a recent sentencing, retskl told the judge the problem has become "epidemic in our city," and the judge, R. Moody, handed down a 23-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 teenage and younger children into sex objects either for pleasure or are going to jail, Sheley reports that prosecutors here have a percent conviction rate.

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

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

Monday: the victims talk.



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

by Jeff Berliner

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 molested. 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.



'Friend' lured victims into pornography ring for children

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 stepfather 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 carries 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 Spertak.

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 leery young man growing out of his teens, Ronny came 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 grows silent when he is allowed to do it. Tough as he is, street-wise, a fighter, defensive and grown into an adult before his time, Ronny 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.

Angry 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 but 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 blurred 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 mountain retreat called home was wrecked by the screaming and fighting going on outside 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 aspects — kept him straddling both worlds and never moving in with a man who opened his door in Bel.

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. Not highly skilled and working unsuccessfully 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.

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. Home 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 "paydays" — 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 — driving 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 his house 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 front, sometimes on the side or

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 \$30, \$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 200 to 400 burglaries in Anchorage and neighboring communities. Only a handful of three 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 "benefactor" in a matter of months if he could.

"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 stoned 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 bought him.

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

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 teenage 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 11, I used to sell

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 bought his services, but a few women used him, too. When Pat finished, selling himself on the street, on his own, he charged up to \$150 per hour.

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

"He just gave me drugs, tapes (quaaludes) and everything."

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

Pat says he even broke into the man's house once where he says he saw "knives, blades 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 to him in Anchorage.

Basement porn drags youths into underground

by Jill Berliner
Times Staff Writer

In the basement of a house in Anchorage, a group of teenagers hid their clothes. They're stars — of pornographic movies.

Over a five-year time span these youths, and dozens of others like them, appeared in hundreds of films, made at a house in Spenard. From Anchorage, the films disappeared into the secret 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 1970, police said.

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.



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. Judahne Denson-Greiner, 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."

Pornography is a \$2 billion business in this country and child pornograph 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 hawk."

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 Lohman. She said the material passes freely through the postal system, often between members of groups such as NABILA, 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 more than just that: sounds. Still more than just that: sounds. The actors were given a sexual situation and told to act it.

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" orgas 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 of 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 some of the participants or locations could be re-organized.

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 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 runaways, 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 Hull, chairman of the Anchorage

See Procurers, 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 Thursday: hard cases to crack.



Procurers seek lonely youths

Wednesday, March 16, 1981, The Anchorage Times, A-5

C. (Inued 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 \$5,000 in his pocket. He said he enjoyed the thrills and thrills and riches he could never afford in his broken home, though he didn't like being a prostitute or having an "all '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 going?' 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 — \$25, \$50, 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 Luport, 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, Luport said. When they discovered that their sexual services were "quired 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, Luport 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 burglary-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 practices 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 joyfully to prison 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.

...tracing 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

"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 13 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."

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 in 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 of themselves or their

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 have 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."

phy 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.

Curtain of victims' silence shields abusers

"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 touchy, 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.



Continued from page A-1

Steving herself, Ginny went downstairs to tell Lynn and her husband. She said she had a "gut feeling" that something was wrong. Her 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 1985, one of every five girls and one of every 10 boys will have been sexually abused, Lynn says. She has been sexually abused as a child. But those were just rumors and bad dreams. She never suspected anything wrong with her children.

"They always had a lot of kids there, showing 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 "flooded," 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 5:30 or 6:30; she'd never done that so early," Lynn remembers now. "I'd don't do that."

At 17, she would learn that night was the first time her daughter had been raped.

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 every-one 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 state the parents heard was being held for \$10,000 bail.

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

By Carol Mukowski
Times Staff

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 mope about their lives with little fetters 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-3

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,



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; she 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 rational 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.

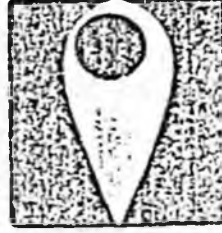
And now, they wait to see what the courts will do with the charges filed against Jim. They've been told the case may not go to court for several months, possibly as long as a year. There are 50 such cases in the district attorney's office now, and two or three new ones are referred every week. They know 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, but I didn't have the right to say no," she says. "I never wanted that to happen to anyone else."

ANCHORAGE NEIGHBORHOOD WATCH



264-6504

BLOCK WATCH

OPERATION I.D.:

Etch your Alaska Driver's License number on TV sets, stereos, cameras, video recorders and other valuables.

HOME SECURITY SURVEY



'Showing care' works both ways

by Jeff Berthner.
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 (molestors) 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 — Alaska's 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-1

Officials disagree on complexity of abuse problem, solutions

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

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 — someplace for juveniles to run to besides 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 me 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."

City closes shelter

Continued from page A-1

street people. Sheri Hess, co-owner of the Rusty Harpoon, a nearby business, said Friday she thinks Knowles "made a good decision." But she refused further comment, saying merchants have been unfairly portrayed as villains insensitive to the problems of the street people.

Hess said she supports the idea of the center, but thinks "it is located in the wrong place."

Wilson, who recommended the closure to Knowles, said he could understand the merchants' frustration.

"I wouldn't want them next to

equivalency). There were five therapists in here today counseling people. Two people right now are being taken to a detoxification center. It's happening right here now. When it closes they'll be back out on the street."

Wilson said the city decided to concentrate its funds instead on a new building for the Brother Francis overnight shelter now at 811½ W. Fourth Ave. He said the center is critical during the winter when people can die outside from hypothermia. Because of fire code problems and the Alaska Court System's plan to build an annex on the site, the shelter will close next month, he

98TH CONGRESS
1ST SESSION

S. 57

To amend title 18 of the United States Code relating to the sexual exploitation of children.

IN THE SENATE OF THE UNITED STATES

JANUARY 26 (legislative day, JANUARY 25), 1983

Mr. SPECTER (for himself, Mr. HEFLIN, and Mrs. HAWKINS) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To amend title 18 of the United States Code relating to the sexual exploitation of children.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That this Act may be cited as the "Sexual Exploitation of
4 Children Act of 1983".

5 SEC. 2. The Congress hereby finds that—

6 (1) child pornography has developed into a highly
7 organized, multimillion-dollar industry which operates
8 on a nationwide scale;

9 (2) thousands of children including large numbers
10 of runaway and homeless youth are exploited in the

1 production and distribution of pornographic materials;
2 and

3 (3) the use of children as subjects of pornographic
4 materials is harmful to the physiological, emotional,
5 and mental health of the individual child and to
6 society.

7 SEC. 3. Chapter 110 of title 18, United States Code, is
8 amended to read as follows:

9 "CHAPTER 110—SEXUAL EXPLOITATION OF
10 CHILDREN

"Sec. 2251. Definitions for chapter.

"Sec. 2252. Sexual exploitation of children.

"Sec. 2253. Certain activities relating to material involving the sexual exploitation
of minors.

"Sec. 2254. Defense.

11 "§ 2251. Definitions for chapter

12 "For the purposes of this chapter, the term—

13 "(1) 'minor' means any person under the age of
14 eighteen years;

15 "(2) 'sexually explicit conduct' means actual or
16 simulated—

17 "(A) sexual intercourse, including genital-
18 genital, oral-genital, anal-genital, or oral-anal,
19 whether between persons of the same or opposite
20 sex;

21 "(B) bestiality;

22 "(C) sado-masochistic abuse (for the purpose
23 of sexual stimulation);

1 “(D) masturbation; or

2 “(E) lewd exhibition of the genitals or pubic
3 area of any person;

4 “(3) ‘simulated’ means the explicit depiction of
5 any conduct described in clause (2) of this section
6 which creates the appearance of such conduct and
7 which exhibits any uncovered portion of the genitals or
8 buttocks;

9 “(4) ‘producing’ means producing, directing, man-
10 ufacturing, issuing, publishing, or advertising; and

11 “(5) ‘visual or print medium’ means any film, pho-
12 tograph, negative, slide, book, magazine, or other
13 visual or print medium.

14 “§ 2252. Sexual exploitation of children

15 “(a) Any person who knowingly employs, uses, per-
16 suades, induces, entices, or coerces any minor to engage in,
17 or who has a minor assist any other person to engage in, any
18 sexually explicit conduct for the purpose of producing any
19 visual or print medium depicting such conduct, shall be pun-
20 ished as provided under subsection (c), if such person knows
21 or has reason to know that such visual or print medium will
22 be transported in interstate or foreign commerce or mailed, or
23 if such visual or print medium has actually been transported
24 in interstate or foreign commerce or mailed.

1 “(b) Any parent, legal guardian, or person having custo-
2 dy or control of a minor who knowingly permits such minor
3 to engage in, or to assist any other person to engage in,
4 sexually explicit conduct for the purpose of producing any
5 visual or print medium depicting such conduct shall be pun-
6 ished as provided under subsection (c) of this section, if such
7 parent, legal guardian, or person knows or has reason to
8 know that such visual or print medium will be transported in
9 interstate or foreign commerce or mailed or if such visual or
10 print medium has actually been transported in interstate or
11 foreign commerce or mailed.

12 “(c) Any person who violates this section shall be fined
13 not more than \$75,000 or imprisoned not more than ten
14 years, or both, but, if such person has a prior conviction
15 under this section, such person shall be fined not more than
16 \$150,000 or imprisoned not less than two years nor more
17 than fifteen years, or both.

18 “§ 2253. Certain activities relating to material involving
19 the sexual exploitation of minors

20 “(a) Any person who—

21 “(1) knowingly transports or ships in interstate or
22 foreign commerce or mails any visual or print medium,
23 if—

1 when taken as a whole, possesses serious literary, artistic,
2 scientific, social, or educational value.”.

3 SEC. 4. Section 1961 of title 18, United States Code, is
4 amended in clause (1)(B) by inserting after “section 1955
5 (relating to the prohibition of illegal gambling businesses),”
6 the following: “sections 2252 and 2253 (relating to the
7 sexual exploitation of children),”.

8 SEC. 5. Section 1964 of title 18, United States Code, is
9 amended in subsection (c) by striking out ‘his business or’
10 and inserting in lieu thereof “his person, business, or”.

○

H B

293

FILE WITH RD 243
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 30, 1983

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

Re: HB 293

Dear Senator Ray:

If the captioned bill is not considered to be a House priority, and it isn't, I'd just as soon leave it on the back burner, at least until next session.

All the bill does is redefine the word 'agency' to include the Alaska Bar Association among those organizations which can be investigated, chastised or whatever, by the Ombudsman.

As far as I am concerned, it is a combination about much to do about nothing and another example of doing unprovoked good.

Furthermore, correspondence in the file from the Ombudsman leads me to believe that he isn't especially interested in the bill.

I should admit that sometimes the wheels of justice within the Bar Association grind exceedingly slowly, but I question whether intercession by the Ombudsman would prove beneficial to anyone.

Very truly yours,

Robert H. Ziegler, Sr.

RHZ:lk

H

B

2

9

9

COMMITTEE REPORT
SENATE

FURTHER:

Date: _____

Mr. President:

The Committee on _____ has had _____

under consideration and (a majority of the committee) (the committee) reports it back with the following recommendations:

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

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS:

CHAIRMAN

Senate Judiciary Committee
Letter of Intent
For

SCS FOR HOUSE BILL 299 (Judiciary)

In passing SCS For House Bill 299 (Judiciary), an Act relating to the definition of "sexual contact" and "sexual penetration", the legislature intends to change the result reached by the Alaska Court of Appeals in Flink v. State, P.2d, Op. No. 370 (Alaska Ct. App., May 11, 1984). In the Flink case, the court ruled that the legislature intended that crimes involving sexual contact be specific intent crimes. Op. No. 370 at page 19. In adopting SCSHB 299 (Judiciary), the legislature intends to reaffirm that crimes involving sexual contact and penetration are general intent crimes. The amendments contained in this bill are intended to remove any perceived ambiguity in existing law.

The legislature intends that the exceptions listed in revised AS 11.81.900(b)(52)(B) and AS 11.81.900(b)(53)(B) shall not be part of the prosecution's pleading and proof in its case in chief. Rather, these exceptions must be raised by the defendant. If raised, the prosecution bears the burden of disproving the exception beyond a reasonable doubt. The legislature intends that the exceptions operate as other defenses provided for in the criminal code. See AS 11.81.900(b)(15).

Senator Bill Ray, Chairman
Senate Judiciary Committee

113299

Alaska State Legislature

PERMANENT ADDRESS:
1527 H STREET
ANCHORAGE, ALASKA 99501
(907) 278-4188

WHILE IN SESSION:
POUCH V
JUNEAU, ALASKA 99811
(907) 465-3704



CHAIRMAN - 1981
HEALTH, EDUCATION AND
SOCIAL SERVICES COMMITTEE
VICE CHAIRMAN - 1981
JUDICIARY COMMITTEE
MEMBER - 1982
COMMUNITY AND REGIONAL
AFFAIRS COMMITTEE

Representative Don Clocksin
DISTRICT 7

March 11, 1982

A. C. Pistorius, General Manager
Anchorage Telephone Utility
600 East 38th Avenue
Anchorage, Alaska 99503

Dear Mr. Pistorius:

Mary O'Brannon of Alaska Directory Service has contacted me regarding a problem she has had in obtaining up-to-date "white page" listings from you. My research has indicated that your failure to provide her with the information may be improper.

Alaska Statutes 9.25.110-.120 provides that "public writing or record" is available for inspection and copying by "every person" unless the writing or record is exempted. One exemption allows records to be kept confidential by "federal law or regulation or by state law." AS 9.25.120(4).

I believe utility company records are open to the public, and believe the recent issue regarding Chugach Electric payroll records confirms that. Further, I believe the specific records sought by Ms. O'Brannon are public. And further, I have reviewed the Alaska Public Utilities Commission Act (AS 42.05.010-.721) and find no statute exempting such records. Alaska Statute 42.05.671 relates only to public disclosure of APUC records and is therefore irrelevant.

There is a regulation which provides that telephone utility records are not open to the public--3 AAC 48.050(a). However, that regulation is not authorized by the statute and is not an allowable exemption under AS 9.25.120(4) since it is not an exemption "by state law."

Failure to provide a public record upon request authorizes suit under AS 9.25.125 and an injunction.

I also understand that you have taken specific action to discourage advertisers from advertising in Ms. O'Brannon's publication. See the attached letter. This effort at restricting Ms. O'Brannon's ability to sell ads is particularly of concern since you use her lack of "white page" information--information you have (perhaps illegally) refused her--as a reason for not buying advertising.

STATE OF ALASKA

DEPARTMENT OF LAW

OFFICE OF THE ATTORNEY GENERAL

Bill Sheffield, Governor

POUCH K - STATE CAPITOL
JUNEAU, ALASKA 99811
PHONE: (907) 465-3600

May 9, 1983

Honorable Richard Eliason
Senator
Chairman of the Senate
Labor and Commerce Committee
Alaska State Legislature
Pouch V
Juneau, AK 99811

Re: HB 299, an Act relating
to public records

Dear Senator Eliason:

The Department of Law has two suggestions concerning the last sentence of HB 299 which proposes the amendment of AS 09.25.110. It reads:

If a certified copy is not requested, a public officer may only charge a fee equal to the actual costs of copying the public records requested under this section or AS 09.25.120.

First, the language "may only charge," is probably meant to be a ceiling; but some may read it as both a ceiling and a floor, leaving no discretion to waive charges where they are very small or where the requestor is indigent or is a news organization. We suggest language to the effect that a public officer may charge no more than an amount equal to the actual cost of copying.

Second, while the amendment does not purport to forbid search charges, some might read it that way. The executive branch conducts searches of up to 10 hours per requestor per month free of charge. This standard has the force of law. 6 AAC 95.130(c). Considering salary and fringe benefits, 10 hours of free search assistance amounts to a benefit to the requestor of several hundred dollars. There are doubtless a few individuals who might abuse a totally free search policy. In the past we have received several enormous requests which might have taken weeks or months to meet, at incredible cost to the state.

We suggest that the legislature expressly authorize assessment of search costs, bearing in mind that: (1) 6 AAC 95.-

130(c) assures free record searches of up to 10 hours; (2) the commissioner of administration must authorize the assessment of costs no matter how many hours are spent in the search; and (3) news organizations are assessed no search charges at all unless a request is in bad faith or extraordinarily large.

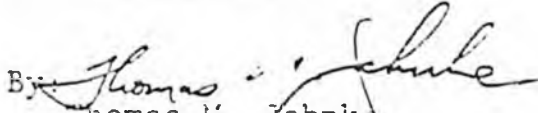
We suggest the following language to incorporate these suggestions:

If a certified copy is not requested, a public officer may charge no more than an amount equal to the actual costs of searching for and copying the public records requested under this section or AS 09.25.120.

If we may be of further assistance, please let us know.

Sincerely yours,

NORMAN C. GORSUCH
ATTORNEY GENERAL

By: 
Thomas M. Jahnke
Assistant Attorney General

TMJ/pjg

cc: Honorable Mitch Abood
Representative
Alaska State Legislature
Juneau

Honorable Donald E. Clocksin
Representative
Alaska State Legislature
Juneau

Honorable Rick Uehling
Representative
Alaska State Legislature
Juneau

Emil Notti
Legislative Assistant
Governor's Office

STATE OF ALASKA
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY

RECEIVED
MAR 24 1983
JUNEAU ALASKA OFFICE
907-465-3800

MEMORANDUM

March 21, 1983

SUBJECT: Definition of public documents
(Work Order No. 13-1067)

TO: Representative Don Clocksin

FROM: Thomas A. Sofos ^{AS}
Legislative Counsel

The attached bill draft brings within the definition of public records the names, addresses, and, in most cases, the phone of numbers subscribers of municipally owned utilities, such as the Anchorage and Fairbanks telephone companies. It is not clear what the effect of this amendment to the Alaska Statutes will be on any claim that the information described is protected by federal copyright law.

Typically, the doctrine of federal preemption, which is grounded on the Supremacy Clause of Article VI of the United States Constitution, prohibits a state from legislating in any way which would thwart or frustrate the operation of a federal statute on the same subject. If the federal act indeed provides an enforceable right in favor of those who have compiled such phone lists, the state will be powerless to legislate in a manner which destroys that right. However, since I am not intimately acquainted with the extensive federal patent and copyright scheme, I am not able to conclude with any certainty that the passage of the attached bill would be completely without effect. The fact that a state jurisdiction considers material that may be copyrightable to be a public record under local law, may be of some consequence since the material in this case is largely of intrastate interest.

Obviously, the full ramifications of the enactment of the attached bill are beyond the scope of this memo. I understand that litigation is pending concerning this issue and I suspect a review of pleadings and supporting memoranda filed in that case would be useful in developing a complete understanding of the federal issues involved. Due to the scope

Representative () Clocksin
Page 2
March 21, 1983

of the material to be covered, an undertaking of that sort
would be more appropriate as an interim project of this
office.

Please give me a call if I can be of further assistance on
this issue.

TAS:ljb

Enclosure
11/002

Bill Sheffield, Governor

DEPARTMENT OF LAW
OFFICE OF THE ATTORNEY GENERAL

POUCH K - STATE CAPITOL
JUNEAU, ALASKA 99811
PHONE: (907) 465-3600

May 9, 1983

Honorable Richard Eliason
Senator
Chairman of the Senate
Labor and Commerce Committee
Alaska State Legislature
Pouch V
Juneau, AK 99811

Re: HB 299, an Act relating
to public records

Dear Senator Eliason:

The Department of Law has two suggestions concerning the last sentence of HB 299 which proposes the amendment of AS 09.25.110. It reads:

If a certified copy is not requested, a public officer may only charge a fee equal to the actual costs of copying the public records requested under this section or AS 09.25.120.

First, the language "may only charge," is probably meant to be a ceiling; but some may read it as both a ceiling and a floor, leaving no discretion to waive charges where they are very small or where the requestor is indigent or is a news organization. We suggest language to the effect that a public officer may charge no more than an amount equal to the actual cost of copying.

Second, while the amendment does not purport to forbid search charges, some might read it that way. The executive branch conducts searches of up to 10 hours per requestor per month free of charge. This standard has the force of law. 6 AAC 95.130(c). Considering salary and fringe benefits, 10 hours of free search assistance amounts to a benefit to the requestor of several hundred dollars. There are doubtless a few individuals who might abuse a totally free search policy. In the past we have received several enormous requests which might have taken weeks or months to meet, at incredible cost to the state.

We suggest that the legislature expressly authorize assessment of search costs, bearing in mind that: (1) 6 AAC 95.-

130(c) assures free record searches of up to 10 hours; (2) the commissioner of administration must authorize the assessment of costs no matter how many hours are spent in the search; and (3) news organizations are assessed no search charges at all unless a request is in bad faith or extraordinarily large.

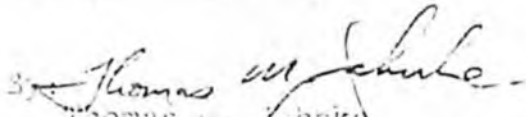
We suggest the following language to incorporate these suggestions:

If a certified copy is not requested, a public officer may charge no more than an amount equal to the actual costs of searching for and copying the public records requested under this section or AS 09.25.120.

If we may be of further assistance, please let us know.

Sincerely yours,

JORDAN C. GORSUCH
ATTORNEY GENERAL


Thomas A. Jahnke
Assistant Attorney General

TNJ/pjg

cc: Honorable Mitch Abood
Representative
Alaska State Legislature
Juneau

Honorable Donald E. Clocksin
Representative
Alaska State Legislature
Juneau

Honorable Rick Uehling
Representative
Alaska State Legislature
Juneau

Emil Notti
Legislative Assistant
Governor's Office

Alaska State Legislature

INTERIM OFFICE:
1023 WEST SIXTH AVENUE
ANCHORAGE, ALASKA 99501
(907) 274-2843
HOME (907) 274-3102

SESSION:
PLUCK V
JUNEAU, ALASKA 99801
(907) 454-4247



HOUSE MAJORITY WHIP

CHAIRMAN
STATE AFFAIRS

MEMBER
TRANSPORTATION
LEGISLATIVE COUNCIL

Representative Mitch Abood
HOUSE DISTRICT 11

MEMORANDUM

TO: Senator Richard Eliason
Chairman, Senate Labor and Commerce Committee

FROM: Representative Mitch Abood *M. Abood*

DATE: May 3, 1983

RE: House Bill No. 299
"An Act relating to Public Records"

Individuals have a right to inspect and copy public records, and should not pay certified charges, if a certified copy is not required. HB 299 stipulates that the Municipally owned public telephone utilities, as well as agencies and departments of the State, are obligated to provide to the public a listing of their subscribers names and addresses, if those subscribers do not request that their name be unlisted. At the present time, it is only possible to receive certified copies of public records. The public officer issuing the list of public records would only be allowed to charge a nominal copying fee, unless a certified copy is requested. HB 299 assures that an individual could access public records of agencies and departments, including municipally owned telephone utilities, without incurring exorbitant certification costs.

There is a question of "ownership" in copyright laws. The originator of a list, invention, device, etc., can put a copyright on that which he originates, but the question remains: If the list is made available to the public by a public agency, does the public agency have the right to put restrictions on that which is public knowledge?

HB 299
"An Act relating to public records"
Page Two

I do recommend that the language suggested by Assistant Attorney General Thomas Jahnke, (see letter dated April 26, 1983), be incorporated into the language of the bill as follows:

DELETE: Line 18 through 21:

"If a certified copy is not requested, a public officer may only charge a fee equal to the actual costs of copying the public records requested under this section or AS 09.25.120."

ADD: Line 18:

"If a certified copy is not requested, a public officer may charge no more than an amount equal to the actual costs of searching for and copying the public records requested under this section or AS 09.25.120."

STATE OF ALASKA
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY

CLERK OF THE LEGISLATURE
LEGISLATIVE AGENCY
JULY 1983

MEMORANDUM

May 19, 1983

SUBJECT: Copyright of public records
(HB 299)

TO: Senator Richard I. Eliason
Chairman, Senate Labor and
Commerce Committee

FROM: Thomas A. Sofo *TAS*
Legislative Counsel

You have asked this office to consider what effect the enactment of HB 299 will have on the ability to copyright telephone listings under the federal copyright law, 17 U.S.C. 101 et seq. Preliminarily, my review of 17 U.S.C. 102 and the notes following that section convinces me that the telephone listings of the municipal utilities are, in the absence of HB 299, eligible for copyright under the federal act. The regulations issued under the federal law, however, provide:

Works consisting entirely of information that is common property containing no original authorship such as, for example: Standard calendars, height and weight charts, tape measures and rulers, schedules of sporting events, and lists or tables taken from public documents or other common sources. (Emphasis added). 37 C.F.R. 202.1(d)

The amendment to AS 09.25.110 which HB 299 adds appears to place the phone listings referred to above into the category of material which are not subject to copyright. Unfortunately, the federal statute does not include a definition of public documents. It is not clear that a public document and public record are synonymous terms for purposes of the federal copyright law. However, to the extent that the prohibition against copyright of public documents is assumed to include a prohibition against a copyright of public records, the enactment of HB 299 would prevent the future copyrighting of such telephone lists.

Senator Richard I. Eliason
Page 2
May 19, 1983

If I can be of any further assistance, please do not
hesitate to contact me.

TAS:ljb
20/030

COMMITTEE REPORT

SENATE

FURTHER:

Date: _____

Mr. President:

The Committee on _____ has had _____

under consideration and (a majority of the committee) (the committee) reports it back with the following recommendations:

- 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
- referred to the _____ Committee

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS:

CHAIRMAN

out of place

HOUSE LABOR & COMMERCE
STANDING COMMITTEE
April 21, 1983
8:33 a.m.

Members Present: Rep. Furnace, Chairman
Rep. Cowdery
Rep. Wendte
Rep. Malone

Members Absent: Rep. Ringstad
Rep. Koponen
Rep. Uehling, Vice-Chairman

COMMITTEE CALENDAR

HB 299 "An Act relating to public records."

SSHB 7 "An Act relating to motor vehicles; and
providing for an effective date."

WITNESS REGISTER

Representative Mitch Abood
Alaska State Legislature
Capitol Building, Room 102
Pouch V
Juneau, Alaska 99811
465-4947
Position Statement: Prime Sponsor of HB 299.

Albert C. Pistorius
Anchorage Telephone Utility
Municipality of Anchorage
600 E. 38th Avenue
Anchorage, Alaska
564-1415
Position Statement: Testified on HB 299.

Mary Ann O'Brannon
Alaska Directory Services
(No address given)
Anchorage, Alaska
(No phone number given)
Position Statement: Presented some background on the statewide
telephone directory.

Chuck Kelly
Alaska Directory Service
(No address given)
Juneau, Alaska
(No phone number given)
Position Statement: Testified on HB 299.

Jeff Day, Professional Assistant
Representative Joe Hayes' Office
Capitol Building, Room 206
Pouch V
Juneau, Alaska 99811
465-3721
Position Statement: Testified on behalf of Representative Hayes,
Prime Sponsor of SSHB 7.

Don Koch
Division of Insurance
Department of Commerce and Economic Development
Pouch D
Juneau, Alaska 99811
465-7515
Position Statement: Testified that the Administration is not in
favor of a mandatory liability insurance.

Mike Thomas
American Insurance Association
Box 1211
Juneau, Alaska
586-3340
Position Statement: Explained the Association's opposition to
compulsory automobile insurance.

Dan Motley, Representing Self
9304 Turn Street
Juneau, Alaska 99801
465-2240
Position Statement: Testified on SSHB 7 and expressed concern
regarding section AS 28.22.540.

PREVIOUS ACTION

HB 299 03/28/83: HOUSE BILL NO. 299 by Abood,
 Clocksin and Uehling, entitled:

 "An Act relating to public records."

 was read the first time and referred to the
 Labor & Commerce Committee.

 03/31/83: Representative Hurlbert was added
 as a Co-Sponsor on HOUSE BILL NO. 299
 (public records).

Statutory Reference: AS 09.25.110

SSHB 7

03/31/83: SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 7 by Hayes, Barnes, Phillips, Furnace, Lindauer, Abood, Uehling, Liska, Cowdery, Szymanski, Fritz, Pestinger and Bussell, entitled:

"An Act relating to motor vehicles; and providing for an effective date."

was read the first time and referred to the Labor & Commerce, State Affairs and Finance Committees.

04/04/83: Representative Cato has been added as a Co-Sponsor on SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 7 (relating to motor vehicles; effective date).

04/19/83: Representative Furnace moved and asked unanimous consent that Rule 23 be waived so that the Labor & Commerce Committee can hold hearings on SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 7 (relating to motor vehicles; effective date) on April 21, 1983. There being no objection, it was so ordered.

04/20/83: The Speaker stated that without objection, the referral of SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 7 (relating to motor vehicles; effective date) would be changed to Labor & Commerce, Judiciary and Finance. There being no objection, it was so ordered.

SSHB 7 is currently in the Labor & Commerce Committee.

Statutory Reference: AS 28; AS 28.20; AS 28.10.011; AS 28.10.021; AS 28.10.051; AS 28.10.111; and AS 21.89.020

ACTION NARRATIVE

TAPE#57 (Side A)
Recording
Number 0006

Chairman Furnace called the meeting to order at 8:33 a.m. Members present were: Representatives Furnace, Cowdery, Wendte and Malone. Representatives Ringstad arrived

after roll call; Uehling and Koponen were absent.

Chairman Furnace brought HB 299 before the committee for consideration.

Number 0015

Representative Mitch Abood, Prime Sponsor of HB 299, explained the provisions of the bill and the intent of the law concerning the bill.

There was discussion by the committee concerning some of the language of the bill.

Number 0098

Albert C. Pistorius, Anchorage Telephone Utility, said that the telephone utility records are open to the public, however the information is copyrighted and that private enterprise should not be able to reprint the information for a profit.

Number 0144

Albert Pistorius proposed some amendments to the bill which would ensure that private enterprise would not utilize the telephone utility records for a profit motive without paying the price.

There was discussion by the committee members and Albert Pistorius concerning the copyright.

Number 0392

Chairman Furnace invited Rep. Abood to join in the discussion. He said that telephone books is a public record and the public should not have to purchase it if they do not wish and being a public record, the public should be allowed to use it as they wish.

There was additional discussion.

Number 0402

Mary Ann O'Brannon, Alaska Directory Service, came before the committee and gave some background on the statewide telephone directory. She stated why she felt a statewide telephone directory was needed.

There was discussion by committee members with Mary Ann O'Brannon responding to questions.

Number 0477

Chuck Kelly, Alaska Directory Service, expressed support of Mary O'Brannon's testimony. He said that Alaska Directory Service is an Alaskan-owned company