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CRIMES ASSOCIATED WITH POLYGAMY: THE NEED FOR A COORDINATED STATE AND FEDERAL RESPONSE

HEARING

BEFORE THE

COMMITTEE ON THE JUDICIARY
UNITED STATES SENATE

ONE HUNDRED TENTH CONGRESS

SECOND SESSION

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CRIMES ASSOCIATED WITH POLYGAMY: THE NEED FOR A COORDINATED STATE AND FEDERAL RESPONSE

THURSDAY, JULY 24, 2008

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
Washington, D.C.

The Committee met, Pursuant to notice, at 10 a.m., in room SD–226, Dirksen Senate Office Building, Hon. Sheldon Whitehouse, presiding.

Present: Senators Whitehouse, Cardin, Specter, and Hatch.

OPENING STATEMENT OF HON. SHELDON WHITEHOUSE, A U.S. SENATOR FROM THE STATE OF RHODE ISLAND

Senator WHITEHOUSE. The hearing will come to order.

Today we will have testimony about criminal activity associated with polygamy. As recent events in Texas make clear, this is an issue of real concern, particularly in the West and Southwest, and it deserves this Committee's attention. Indeed, the Federal Government has a great interest in addressing the child abuse, sexual abuse, fraud, and other Federal and State crimes that have originated in polygamous communities.

We will first hear from the distinguished Majority Leader, Senator Reid. At the outset, I would like to take a moment to thank Senator Reid for his leadership on this important issue, as so many others. I admire his determination to support victims of polygamy-related crime and to ensure that Federal, State, and local officials are doing everything possible to prevent and prosecute such crimes. To that end, he has introduced the Victims of Polygamy Assistance Act, which would authorize a grant program to support victims of polygamy-related crime. This measure would also create a task force comprised of relevant Federal agencies to ensure a coordinated Federal approach to this issue.

Our second panel will consist of the United States Attorneys from Nevada and Utah and the Attorneys General of Arizona and Texas. As a former United States Attorney and State Attorney General, I have a deep appreciation for the important and difficult work that they do and of the need for close cooperation between Federal and State law enforcement. I know that each of these law enforcement officers is determined to confront this issue, and I look forward to their testimony.

Finally, our third panel will consist of Carolyn Jessop, a woman who bravely escaped from a polygamous sect at age 35 after being

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subjected to a coerced marriage and countless other depravities; Dr. Daniel Fischer, a former member of a polygamous community who has since started a nonprofit organization dedicated to helping victims; and Steven Singular, a journalist who has covered this issue extensively.

There are tens of thousands of people living on polygamous communities, some of which have become a source of serious, almost unspeakable criminal activity. Women and girls are treated like property; children are viewed as a source of labor; and teenage boys who do not comply with the harsh rules of the community are cast off into the streets.

It is my hope that this hearing will help ensure that Federal and State law enforcement resources are properly focused on this issue and operating in a coordinated manner. Perhaps even more important, I hope this hearing will shine a light on these crimes and on the inspiring stories of those who have escaped and tried to help.

Before proceeding with the first panel, I turn to my distinguished colleague from Pennsylvania, the Ranking Member, Senator Arlen Specter.

STATEMENT OF HON. ARLEN SPECTER, A U.S. SENATOR FROM THE STATE OF PENNSYLVANIA

Senator SPECTER. Thank you, Mr. Chairman. I think this is a very important hearing, and I commend our distinguished Majority Leader, Senator Reid, for taking steps to move this important program into the Federal arena with a task force to tackle it at all levels.

There is no doubt that when you deal with items like statutory rape and domestic abuse and child molestation, you are dealing with some of the toughest problems in our society. I recollect my days as a prosecuting attorney, D.A. of Philadelphia, and noted that there was a tremendous amount of child abuse contributing to the delinquency of minors and domestic violence which went really unreported in a family context. And this is especially true where you have a religious overtone, where there are religious organizations which have unusual living arrangements and have societal arrangements which are conducive to this kind of conduct. And obviously we have to be very careful that we respect First Amendment rights and freedom of religion, but those rights do not extend to domestic violence, child abuse, statutory rape.

The Texas situation has produced some very difficult problems with respect to what is within the province of the family and where the courts can appropriately intervene. And I think it is good to shine the public spotlight, as we are today, and to use this as a background for proceeding further.

The Federal Government has a real role to play here. It involves many States and very, very serious issues, and the potential impact of organized crime or racketeering is something that we really ought to take a close look at.

Thank you, Mr. Chairman.

Senator WHITEHOUSE. I understand that the distinguished Senator from Utah, a former Chairman of this Committee, would also like to make a brief opening statement. Is that correct, Senator Hatch?

Senator HATCH. Yes, Mr. Chairman.

Senator WHITEHOUSE. Please proceed. You are recognized for an opening statement.

STATEMENT OF HON. ORRIN G. HATCH, A U.S. SENATOR FROM THE STATE OF UTAH

Senator HATCH. Yes, Mr. Chairman, I will be very brief, as I know you have a full agenda today with several knowledgeable witnesses.

Let me say before we begin this hearing, our focus should be to explore the proper role of State and Federal Governments in protecting innocent children and women and getting them out of unlawful and abusive situations. And I believe our witnesses will testify about the important role Federal and State officials play in this effort. Because innocent women and children are involved in this issue, they deserve careful and respectful consideration as we explore the best way to coordinate State and Federal responses to any problems that may exists.

So, Mr. Chairman, I want to thank you for giving me this opportunity to say these few words.

Senator WHITEHOUSE. I would now like to recognize to make a statement to our Committee—I understand that the Majority Leader has considerable pressing business and that he will leave after he has made his statement, but we are very privileged and honored on the Judiciary Committee to have Majority Leader Harry Reid here with us today. Leader Reid grew up in Searchlight, Nevada, as the son of a hard-rock miner father and a mother who took in laundry. There, Leader Reid attended a one-room schoolhouse. In 1977, he was appointed Chairman of the Nevada Gaming Commission, where for 5 years he worked to clean up Nevada's gaming industry. Leader Reid continues to work every day on behalf of those who are less able to fight for themselves, and that is most evident by his attendance at this hearing today.

For your statement, Leader Reid, I am honored to recognize you.

STATEMENT OF HON. HARRY REID, A U.S. SENATOR FROM THE STATE OF NEVADA

Senator REID. Thank you very much, Senator Whitehouse. I want the record to be spread with how much I appreciate Senator Leahy, the Chairman of this Committee, acknowledging that this is an issue that deserves attention, and he, with Senator Specter, authorizing this Committee to meet today under these circumstances. I am very happy that my friend, my neighbor from the State of Utah, Senator Hatch, is present.

Senator Whitehouse, I especially acknowledge the work that you have done in preparing for this hearing. I have talked to your staff. They have devoted a significant amount of time to this hearing. Your background as being Attorney General and United States Attorney is a perfect fit for chairing this hearing, and I appreciate it very much. As I have expressed so many different times, I really admire your work ethic and the good work you do for the State of Rhode Island and our country.

Mr. Chairman, I choose, because I have other responsibilities, not to come and testify before committees very often. I felt that this

was essential that I be here. The lawless conduct of polygamous communities in the United States deserves national attention and Federal action. This hearing is an important milestone in the ongoing effort to curtail the pervasive criminal behavior.

By coincidence, this hearing is being held on the 24th day of July, a day that is celebrated by Mormons around the world as Pioneer Day. This is a holiday that commemorates arrival of the Mormon pioneers to Great Salt Lake in 1847. We do honor to our pioneer ancestors by condemning those who have wrongfully cloaked themselves in the trappings of religion to obscure their true criminal purposes.

For many years, these organizations received little attention from the rest of America. They isolated themselves to remote locations and required their members to cutoff contact with the outside world. In the West, I guess we have an attitude that says, "Live and let live." So we try not to bother our neighbors, and we expect the same from them. But polygamists have taken advantage of this attitude to form a sophisticated, wealthy, and vast criminal organization that has gone largely unchecked by Government agencies for a long time.

As you mentioned in my introduction, Mr. Chairman, during 4-plus years of my life I spent as the Chairman of the Nevada Gaming Commission. Until that job, even though I had been Attorney General for the State and held many other political offices up to that time, organized crime was just a couple of words that meant nothing. It was something that took place in the dark alleys of New York and Chicago, and I did not think it had any bearing on the State of Nevada. But I came to realize that was not true.

I was stunned to realize that the then-Aladdin Hotel was run by mobsters out of Detroit. I was stunned to learn that major hotels were being run out of a prison in Kansas City where a murderer by the name of Civella ran the operations of a number of major hotels and was so powerful, and the person we thought was running those hotels in a telephone conversation that the Federal Government was involved and we would never have known but for the Federal Government. There was wire surveillance going on. The man, the murderer in Kansas City, was asked a question by the person we thought was running that operation. He said, "What should I do?"—talking about the Stardust Hotel. And he said, "Sell the son of a bitch." And the man sold the hotel.

That is what organized crime is all about, Mr. Chairman. There are mob bosses. There were mob bosses. And that is what we were up against.

I learned that they practiced extortion, embezzlement, fraud, public corruption, obstruction of justice, and witness tampering. I faced death threats. My wife found a bomb on our car. Those were not pleasant times in my recollection. I constantly worried about my family. We had to clear out my office on many occasions with threatening phone calls. We had to have people help take my kids to school. You get the picture.

I am not here to tell anyone on this Committee, this Judiciary Committee, that polygamous communities in the United States are like they were in Las Vegas. But they are a form of organized crime. I repeat, I am not saying they are the same thing as the

crime syndicates were in Las Vegas. But they engage in an ongoing pattern of serious crimes that we ignore at our peril.

The most obvious crimes being committed in these communities are bigamy, child abuse; teen or pre-teen girls are forced to marry older men and bear their children as little girls. But the criminal activity that goes on in these places is far broader. Witnesses at this hearing will describe a web of criminal conduct that includes welfare fraud, tax evasion, massive corruption, and strong-arm tactics to maintain what they think is the status quo. These crimes are systematic, sophisticated, and are frequently carried out across State lines.

Today, polygamists have spread from Utah and Arizona into many other States, including Nevada, Colorado, North Dakota, Missouri, New Mexico, and, of course, Texas. They have even expanded across international borders into Canada and Mexico. State authorities are on the front lines of this fight. Now, Mr. Chairman, I think we have to acknowledge on occasion that when you make a mistake, you have to acknowledge it. A few months ago, I was so frustrated that I made some statements that said the States were not doing enough. And maybe they are not, but they are doing their best. They have worked very, very hard, and I have apologized to individual Attorneys General personally. But it has also, as a result of this, opened my eyes to the fact that States need help.

They are, I repeat, on the front lines of this fight, and it is a fight. I have developed great respect for their work, and today you are going to hear from hard-working State Attorneys General and their efforts. You are going to hear from United States Attorneys and their efforts.

I have long believed that the Federal Government should play a larger role in this fight. The States lack the resources to adequately investigate these organizations, and the Federal Government's expertise in investigating ongoing criminal enterprises is needed. The Department of Justice should be helping States enforce their own laws, and it can beef up enforcement of Federal laws.

Greg Brower, the United States Attorney from Nevada, my home, will testify today. Greg and his colleague from Utah, Brett Tolman, a State that I have great affection for—I graduated from Utah State University as a very young man. All five of my children have gone to universities—a university in Utah. So I have great respect for Brett Tolman, Greg's counterpart from Utah. They are going to discuss the growing Federal-State partnership to address these lawless communities.

I have encouraged this Federal-State partnership, as I indicated, for some time. I wrote my first letter to then-Attorney General Gonzales in 2006 to suggest a Federal task force on polygamy. He did not bother to answer my letter. In recent months, I have worked with Deputy Attorney General Mark Filip. I have spoken to Attorney General Mukasey.

Deputy Attorney General Filip, a former Federal judge and a former law professor from the University of Chicago, has been so good to work with. I appreciate Attorney General Mukasey referring this work to Judge Filip, and he has assigned a senior Federal

prosecutor to coordinate Federal action in this area. I again extend my appreciation to General Mukasey and Judge Filip.

Yesterday, I introduced a bill to strengthen this Federal-State partnership. The Victims of Polygamy Assistance Act would establish a task force under the supervision of the Deputy Attorney General to bring together the various agencies necessary to deal with the broad pattern of criminal behavior perpetrated by polygamists. The bill also authorizes grants to assist victims. Because these organizations routinely threaten, harass, and tamper with victims planning on testifying against them, it is necessary to provide targeted funds so law enforcement can protect them and, if necessary, shield their identity. These lawless organizations must be stopped, Mr. Chairman.

I appreciate the efforts of this Committee to help shed light on this growing problem, and I applaud our witnesses: Mr. Singular for writing this book, which I thought was very, very enlightening to me and many people in our country; these brave witnesses who are coming, who have been involved in these sects; and all others who stand up against powerful criminal forces.

I would be happy, Mr. Chairman, to answer any questions if the panel has any.

Senator WHITEHOUSE. On behalf of the Committee, Leader Reid, we very much appreciate your presence here in the Committee. We very much appreciate your statement, and we very much appreciate your leadership on this issue.

May I call up the second panel of our law enforcement witnesses. Please remain standing to be sworn.

Please stand and raise your right hand. Do you affirm that the testimony you are about to give before the Committee will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. BROWER. I do.

Mr. TOLMAN. I do.

Mr. GODDARD. I do.

Mr. ABBOTT. I do.

Senator WHITEHOUSE. Please be seated.

We are very pleased to have a very distinguished group of law enforcement witnesses with us today. What I would like to do is to introduce them as a group and then take their statements in sequence and then have questions to the group in general.

Nevada U.S. Attorney Gregory Brower. Greg Brower has been the U.S. Attorney since December 1007. Before becoming U.S. Attorney, Mr. Brower served as General Counsel to the Government Printing Office and as the GPO's Inspector General. Mr. Brower previously served at the U.S. Department of Justice as legislative counsel in the Executive Office for U.S. Attorneys. His prior public service also includes being twice elected to the Nevada State Legislature and service in the U.S. Navy as a surface warfare officer. Mr. Brower received a bachelor's degree from the University of California, Berkeley, and a law degree from George Washington University.

Utah U.S. Attorney Brett Tolman. Brett Tolman has been U.S. Attorney for the District of Utah since 2006. Before that, he worked for Senators Hatch and Specter on this Judiciary Committee. We are pleased to welcome him back.

Mr. TOLMAN. Thank you.

Senator WHITEHOUSE. He also served as an Assistant U.S. Attorney in the District of Utah. Mr. Tolman clerked for U.S. District Chief Judge Dee Benson from 1998 to 2000 and received his law degree cum laude from Brigham Young University in 1998 and a B.A. from Brigham Young University in 1994.

Arizona Attorney General Terry Goddard has been Arizona's Attorney General since 2003. Before becoming Attorney General, Mr. Goddard was elected mayor of Phoenix four times and was president of the National League of Cities in 1989. Attorney General Goddard also served as the Arizona State Director for the U.S. Department of Housing and Urban Development. Attorney General Goddard received his B.A. in American history from Harvard and his J.D. from Arizona State University. He served an active-duty tour in the Navy and retired as a commander after 27 years in our Naval Reserves.

Texas Attorney General Greg Abbott has been the Texas Attorney General since 2002. Attorney General Abbott's career in public service began in Houston where he served as a State trial judge. In 1995, then-Governor George W. Bush appointed Attorney General Abbott to the Texas Supreme Court, where he served until becoming Attorney General. Mr. Abbott graduated from Vanderbilt Law School and the University of Texas.

Again, we are very pleased to have so distinguished a panel before us, and I would ask United States Attorney Brower to begin with his statement.

STATEMENT OF GREGORY A. BROWER, UNITED STATES ATTORNEY, DISTRICT OF NEVADA, LAS VEGAS, NEVADA

Mr. BROWER. Thank you, Senator Whitehouse, members of the Committee. Good morning. I am Greg Brower, U.S. Attorney—

Senator WHITEHOUSE. Turn your microphone on.

Mr. BROWER. Excuse me. We were just talking about the fact that witnesses always forget to do that, and here I did it myself.

Senator WHITEHOUSE. There you go.

Mr. BROWER. Let me start over. Senator Whitehouse, members of the Committee, I am Greg Brower, U.S. Attorney, District of Nevada. On behalf of the Department of Justice, I want to thank the Committee and the Majority Leader for this hearing today. My colleague from Utah, Brett Tolman, and I are very pleased to appear before you today to provide the perspective of the Department of Justice and Federal law enforcement in working with issues arising from polygamist communities. My testimony will provide an overview of the tools and resources available to Federal law enforcement to address these issues. Mr. Tolman will follow with a more detailed discussion regarding specific efforts being made, primarily in his State and his district.

At the outset, let me emphasize what I am sure is obvious. As Federal prosecutors, our oath is to support and defend the Constitution. The very first right enshrined in the Bill of Rights is the right to the free exercise of religion. The U.S. Department of Justice does not target anyone for criminal investigation or prosecution—whether individuals or groups—based upon their religious beliefs.

Instead, the Department's mission is to target Federal criminal conduct wherever it occurs, regardless of the religious beliefs, if any, of the criminal. The seminal Supreme Court case on the interplay between laws of general application and the Free Exercise Clause is *Employment Division of Oregon* v. *Smith*. In that 1990 decision, the Supreme Court rightly held that when a law is of general application and not targeted at a particular religious practice, the Free Exercise Clause is not implicated, even if the incidental effect of the law is to affect some people's practice of their religion. The issue of polygamy illustrates this point. The practice is illegal in all 50 States, regardless of whether a defendant enters a plural marriage for religious reasons or otherwise. And with respect to the practice of polygamy itself, I should emphasize that it is usually a matter of State criminal law, and not Federal law.

Over the history of our country, the laws defining and defending the institution of marriage have been by design within the province of the States. Polygamy is illegal in all 50 States because of the individual criminal codes of those 50 States, and not because of any Federal criminal provision. While polygamy is a State crime, the Department embraces partnerships with State and local law enforcement through information sharing, coordination, and other types of assistance, and will investigate and prosecute Federal violations where found.

Thus, ultimately, the role of Federal law enforcement in dealing with issues relating to polygamist communities is the same role as in any other context—to investigate and prosecute Federal crimes wherever they occur.

Numerous Federal laws are potentially implicated by the conduct in which some members of polygamist communities may be engaged, and Federal authorities stand ready to investigate and prosecute as circumstances warrant. Title 26 tax crimes are investigated by the IRS Criminal Investigations and are prosecuted by U.S. Attorney's Offices and the Tax Division at Justice. The FBI has responsibility for investigating a host of other white-collar offenses, such as mail, wire, and financial institution fraud, fraud involving Federal programs, false claims cases, health care fraud, and computer crimes. The U.S. Secret Service has broad authority to investigate identity theft and credit card fraud. The U.S. Postal Inspection Service investigates crimes involving the mails. The United States Marshals Service has and will continue to aid these cases by tracking and capturing fugitives as necessary.

The FBI and the ATF have broad authority to investigate violent Federal crimes, including crimes involving weapons and explosives. The FBI also has jurisdiction over Federal criminal civil rights violations. Indeed, it is a felony to interfere with another's free exercise of religion by force or threats of force, under 18 U.S.C. Section 247. That section also covers attacks on churches or other religious property. Finally, Federal criminal law provides for substantial penalties for arson and for threats communicated by mail, telephone, or Internet.

In addition to the laws just noted, I should emphasize that Federal criminal law affords very powerful tools to deal with sexual predators of children. Title 18, U.S. Code, Section 2422(b), makes it a felony for a defendant to use the mail or a facility of interstate

or foreign commerce, such as telephone lines or the Internet, to lure a child under age 18 to engage in criminal sexual activity. Transporting a child across State lines for the same purpose is also illegal under 18 U.S.C. Section 2423(a).

Both crimes carry a 10-year mandatory minimum sentence, but they are punishable up to life imprisonment. Even using the Internet or other means of interstate communication to transmit identifying information about a young child—for example, name, address, telephone number, e-mail address—for sexual purposes is against Federal law. That crime carries a potential 5-year penalty.

The Department is deeply committed to investigating and prosecuting crimes against children, working closely with State and local prosecutors and law enforcement agencies to enhance our efforts. To further this goal, in 2006 the Department developed Project Safe Childhood. The strategic goal of Project Safe Childhood is to maximize the number of leads generated and investigated by Federal, State, and local law enforcement, and then funnel those cases as appropriate to Federal prosecution, where Federal nationwide investigative tools can be employed and Federal felony mandatory minimum sentences can be sought.

Senator WHITEHOUSE. Mr. Brower?

Mr. BROWER. Yes, sir?

Senator WHITEHOUSE. May I ask you to sum up your testimony so that we can stay within our time guidelines. Your full statement will be made a matter of record. but if you could move to conclude, I would appreciate it because of our time constraints.

Mr. BROWER. Thank you, Senator.

In summary, to the extent that members of polygamist communities are committing Federal crimes, whether white-collar frauds, crimes against children, or other crimes, the Department is committed to working with State and local law enforcement authorities in the relevant jurisdictions to ensure that those crimes are aggressively investigated and prosecuted.

Thank you.

[The prepared statement of Mr. Brower appears as a submission for the record.]

Senator WHITEHOUSE. Thank you very much.

United States Attorney Tolman?

STATEMENT OF BRETT TOLMAN, UNITED STATES ATTORNEY, DISTRICT OF UTAH, SALT LAKE CITY, UTAH

Mr. TOLMAN. It is an honor to be here. I will say it is far different being on this side of the Committee than it is behind you and drafting the questions.

Senator WHITEHOUSE. Wait until Senator Hatch starts asking you questions. It is going to get worse.

Senator HATCH. I can hardly wait.

[Laughter.]

Mr. TOLMAN. Senator Whitehouse and distinguished members of the Committee, I am Brett Tolman, the United States Attorney for the District of Utah. The title of this hearing is "Crimes Associated with Polygamy: The Need for a Coordinated State and Federal Response." I am here to testify that Utah has a proud history of a coordinated State and Federal response. For years now, my office and

various agencies such as the FBI, DEA, IRS, the Department of Health and Human Services, the Department of Labor, and others have worked with State and local agencies to investigate allegations that crimes such as sexual exploitation of children, fraud, structuring financial transactions to avoid Bank Secrecy Act reporting requirements, drug trafficking, and violent crimes were being committed by members of various polygamist groups in Utah. In fact, a large reason why several States and even other countries have confronted the issues surrounding polygamist communities is because of the great investigative and prosecutive efforts in Utah.

The aggressive prosecutions by the Utah Attorney General's Office, various county attorney offices, and the U.S. Attorney's Offices have pushed some members of polygamist groups from Utah to other States and countries, resulting in Utah's interstate coordination efforts.

Let me now speak to how the existing coordinated efforts have been successful. It is public knowledge that there are ongoing Federal investigations involving potential Federal criminal activity in polygamist communities. On April 10, 2008, the FBI and the United States Attorney's Office for the Northern District of Texas announced that a Federal search warrant had been executed at the YFZ Ranch in Eldorado, Texas. At that time, they also stated that the application and affidavit were under seal and that no further comment could be made because of the pending investigation.

I can assure the Committee that other Federal efforts are ongoing, in my district and in others. Without going into the details of non-public past or present investigations, such efforts have involved the full cooperation, coordination, and communication of multiple Federal, State, and local agencies, including, but not limited to, the FBI in Utah, Nevada, and Dallas, Texas, the Arizona Attorney General's Office, the Utah Attorney General's Office, the United States Attorney's Offices in Arizona, Utah, Nevada, and the Northern District of Texas, county authorities from Mohave County, Arizona, and Washington County, Utah, and other Federal agencies such as IRS Criminal Investigations and the Bureau of Alcohol, Tobacco, Firearms and Explosives.

Just recently, on June 11, 2008, I personally met with many high-level State and Federal law enforcement officials from Utah, Arizona, Texas, and Nevada to discuss these issues. United States Attorneys from throughout the Western region of this country were present. The group agreed that the Federal, State, and local prosecuting and investigating agencies have a proven and effective working relationship, but that we can do a better job of sharing information.

We shared information at this meeting and have continued to do so since in a way that is atypical of any other group or task force that I have been a part of. The group has been communicating by e-mail, and a Special Interest Group on Law Enforcement On-Line website and central data base for information sharing have been created. We have already experienced and expect to continue to experience great results from these new avenues of communication.

Some have suggested creating a task force to deal specifically with these polygamist issues. With respect to crimes associated with polygamist groups, however, I believe that there is already

substantial communication and coordination among Federal, State, and local offices, indeed, just as much as there would be were a formal task force in place. Moreover, although task forces are an effective mechanism to combat many types of criminal conduct, they just may not be a good fit in this particular context. Polygamist communities are highly self-contained and insular, which makes them difficult for law enforcement to infiltrate. Moreover, whether it is due to loyalty, sincere religious belief, or coercion, their members are frequently uncooperative with law enforcement.

In large measure, when past investigations have stalled, it has been a result of these witness issues. In this context, a task force may be too blunt an instrument to accomplish an effective investigation, and subtler, more covert methods may be more profitably employed.

Specifically, my office and others have investigated in the recent past the case of Warren Jeffs, the leader of a polygamist sect in Utah.

Jeffs was charged by Utah with being an accomplice to rape, for using his religious influence over his followers to coerce a 14-year-old girl into marriage to her 19-year-old cousin. Jeffs went on the run and was missing for 2 years. The United States Attorney's Offices for the Districts of Utah and Arizona brought Federal unlawful flight to avoid prosecution charges. A Federal warrant was obtained.

Jeffs was ultimately placed on the FBI's Ten Most Wanted Fugitives list, and after a nationwide manhunt, he was eventually captured in Nevada and returned to face justice in Utah. He was convicted and is serving two consecutive terms of 5 years to life. He still presently faces charges in Arizona relating to the alleged marriages of underage girls. After he faces State charges in Arizona, Jeffs will be returned to Utah, where he will be prosecuted by the U.S. Attorney's for his unlawful flight. And as the Committee knows, just recently—and we have the Attorney General here from Texas—they recently announced further charges against Mr. Jeffs and several others relating to the exploitation of children.

Senator WHITEHOUSE. Mr. Tolman, could you wrap up? The time has expired.

Mr. TOLMAN. Yes. In summary, great efforts have been made. We look forward to continuing our cooperation and coordination with local, State, and Federal officials to make sure that we eradicate criminal behavior that is occurring in these communities.

Thank you, Mr. Chairman.

[The prepared statement of Mr. Tolman appears as a submission for the record.]

Senator WHITEHOUSE. Thank you, Mr. Tolman.

Attorney General Goddard, good to have you with us.

STATEMENT OF TERRY GODDARD, ATTORNEY GENERAL, STATE OF ARIZONA, PHOENIX, ARIZONA

Mr. GODDARD. Thank you, Mr. Chairman, distinguished members of the Committee. It is a great pleasure to be here. My name is Terry Goddard. I am the Attorney General of Arizona, and I greatly appreciate the Committee's time and attention to this issue.

I have some extended remarks, which with your permission, Mr. Chairman, I will submit for the record.

Senator WHITEHOUSE. They will be made a part of the record.

Mr. GODDARD. I will make every effort to summarize them here today.

The investigation and prosecution of crimes in communities controlled specifically by the Fundamentalist Church of Jesus Christ of Latter-Day Saints, or the FLDS, present a unique set of challenges that I applaud the Committee for looking at today. These challenges illustrate the need for enhanced local-Federal cooperation and additional resources. I want to thank Senator Reid for his leadership on this issue and the proposed legislation, which I first saw yesterday. But I would submit it is exactly the kind of cooperation and support for not only law enforcement but social service support agencies which has been needed throughout the Western United States in dealing with these issues.

At the outset, it probably should not be necessary, but I would like to make two things clear. First, I am talking about the FLDS, not the Church of Jesus Christ of Latter-Day Saints, commonly known as "the Mormon Church." Unfortunately, there still are confusions occasionally, although that should not be an issue before this Committee. Second, the focus of the work done in my office in Arizona and in the office of Attorney General Mark Shurtleff in Utah has focused on Hildale, Utah, and Colorado City, Arizona. It is not about religion, not about culture, and not about lifestyle. It is about protecting women and children from crime, from domestic abuse and sexual violence; combating fraud and public corruption; enforcing civil rights laws; upholding peace officer standards; and ensuring that the rule of law is applied.

For the past 5 years, my office has taken a systematic approach to restoring the rule of law to a community that in many respects has been operating outside the rule of law for almost a century. I have been intent on not repeating the heavy-handed mistakes of the past. Arizona badly executed a police raid in 1953 known as the "Short Creek raid" that took most of the children in the community into custody and made them wards of the State. And it had three long-term negative effects:

First, afterwards, governmental authorities were reluctant to do anything, to pay any attention to the area of Short Creek, soon renamed Colorado City, and Hildale in Utah.

Second, the residents of these communities became highly suspicious of Government at all levels. We found that victims of abuse feared the State more than their abuser.

And, third, the leaders of the FLDS Church used the first two to increase their autocratic authority over their followers.

In 2003, Utah Attorney General Mark Shurtleff and I formed a partnership to undertake and coordinate civil and criminal investigations and provide a safety net for the victims of child abuse and domestic violence in Colorado City and Hildale. These communities have an estimated 10,000 people ore more, and they are geographically isolated and strictly segregated from outside influences.

Over the past 5 years, we have expanded the partnership in Arizona and Utah into a safety net that includes State and local law enforcement as well as local service agencies, advocacy groups, and

members of the community. We have held monthly safety net meetings and established a permanent physical presence for law enforcement and social services in Colorado City.

Now, outreach and support in these communities has been facing unique obstacles. They are very remote. They are, as has been noted already, highly centralized and thought is controlled by the leaders. They have very strong traditions, and they have a great suspicion of governmental agencies. So overcoming some of this resistance was a big part of our agenda over the past 5 years.

I am pleased to say that the safety net has provided support to over 1,200 individuals, and the number seems to be increasing every day as people come forward to report needs and to report child abuse instances—something we saw almost none of 5 years ago.

I would like to summarize a couple of very specific areas where we think Federal assistance would be particularly useful.

As has been noted, the FLDS operates in two foreign countries and many States in the Western United States. These multi-State operations are uniquely susceptible to Federal investigation and information sharing. The businesses operated by this particular organization, by the FLDS, are beyond the scope of many State and local law enforcement agencies, but are uniquely susceptible to Federal investigation.

Second, we believe civil rights violations have been occurring in these communities. In 2005, I addressed a letter to the Department of Justice requesting help specifically in the Marshals Office in Colorado City. We believe this institution of the State, of the city of Colorado City, was, in fact, being used to exile young men from the community, to enforce the rules laid down by the FLDS, and in some cases to actually throw individual families out of their houses. This kind of deprivate of cv I believe is, again, outside of the jurisdiction of individual States and uniquely within the Federal prosecution ambit.

We have found extensive—and U.S. Attorney Tolman has referred to the huge amount of information which has been obtained, both in the Escalade that Warren Jeffs was found riding in and in the recent seizures in Texas. We are anxious to see that information, and any kind of sharing with Federal authorities will be greatly appreciated. But it is a huge volume of information, and the cataloguing and evaluation of it well exceeds our local capacity. So we would appreciate help in that regard.

Finally, it has been far too long that Warren Jeffs and his FLDS predecessors, as well as leaders of some other polygamist organizations, have ignored and violated the law. Utah and Arizona are working to restore that rule of law in Colorado City and Hildale and to aid victims of abuse. What has taken a century to build will not change overnight, but step by step we are making important changes. A great deal of work still lies ahead of us, and it is enhanced local, State, and Federal cooperation, and the additional resources promised in the proposed legislation will make a big difference in investigating and prosecuting crimes and preventing future abuse in these communities.

I want to thank the Committee for their consideration and the chance to be here today.

[The prepared statement of Mr. Goddard appears as a submission for the record.]

Senator WHITEHOUSE. Thank you, Attorney General Goddard.

And now we turn to our final witness on this panel, the Attorney General of Texas, Greg Abbott.

STATEMENT OF GREG ABBOTT, ATTORNEY GENERAL, STATE OF TEXAS, AUSTIN, TEXAS

Mr. ABBOTT. Thank you, Mr. Chairman, and also thanks to all the Committee members for convening this very important hearing.

If I could at the outset explain, I can tell maybe there was some question why I did not stand to take the oath. I am in a wheelchair, which is why I did not stand. I was out jogging, and a big tree fell on me one day, crushing vertebrae into my spinal cord, leaving me paralyzed. Otherwise, I would have been proud to stand.

But I want to appear here to reaffirm the benefits that can be achieved by Federal and State cooperation and coordination in criminal investigations and prosecutions of crimes committed by members of the FLDS.

As the Committee is aware, my office is engaged in pending prosecutions of certain FLDS members. Two days ago, a grand jury in Schleicher County, Texas, returned seven indictments against six suspects. All suspects are associated with the YFZ compound near Eldorado, Texas.

Among the six suspects is Warren Jeffs, who is charged with sexually assaulting a child, a first-degree felony.

Four additional suspects are charged with sexually assaulting young girls under the age of 17. One of those suspects is also charged with felony bigamy.

A separate suspect has been indicted on three counts of failure to report child abuse.

The indictments issued on Tuesday are part of an ongoing criminal investigation. This week's indictments reflect a cooperative effort between the Texas Office of the Attorney General's Office, the Texas Department of Public Safety, the Texas Rangers, the 51st Judicial District Attorney's Office in Texas, as well as the United States Attorney for the Northern District of Texas and the Federal Bureau of Investigation. My office has also maintained open lines of communication with the Attorneys General Offices in Arizona and Utah.

We have seen firsthand the vital importance of communication and cooperation among State and Federal authorities.

The suspects in this case are part of an organization with roots in many States and many countries. To state the obvious, it is a big challenge for State authorities, acting alone, to contain or prevent criminal activity that crosses multiple States, and even national borders.

According to press reports, Warren Jeffs ordered that the YFZ Ranch in Texas be purchased just one month after Arizona authorities prosecuted an FLDS member for an unlawful sexual relationship with a 16-year-old girl. This frames an important issue for this Committee to consider. When one State enforces its law, the FLDS leaders simply move their operations to another State.

Recent press reports indicated that, after the joint crackdown by Utah and Arizona, FLDS members began moving to southern Nevada and, of course, to Texas.

This group moves seamlessly from State to State, location to location, and has the infrastructure necessary to thwart law enforcement. Even Warren Jeffs, who has achieved international notoriety, managed to hide from authorities for over a year, and he was on the FBI's Most Wanted list. This leads me to two very important points:

First, if individuals are charged with crimes, and if those individuals flee the jurisdiction by the time those charges are filed, State authorities could benefit from help by the FBI, the U.S. Marshals, and U.S. Attorneys across the country in locating and arresting those individuals.

Second, and from a bigger-picture perspective, we have seen that the FLDS is highly mobile and willing to move from one location to the next in an apparent effort to avoid State authorities. Thus, it is critical that Federal authorities focus on the FLDS and devote the resources necessary to prosecute criminal wrongdoing that is uncovered—whether the evidence leads to Texas, Nevada, Arizona, Utah, or some other place.

Although the alleged criminal conduct currently being prosecuted by our office involves crimes that traditionally fall within State authorities' purview, there are important issues for Federal prosecutors to consider. Given the nature of the FLDS, and the nature of the crimes that may have been committed, there are a number of areas in which cooperation and coordination could be particularly effective, and I will outline these very briefly.

Consideration should be given to the full application of Federal laws, such as the Mann Act, to prosecute crimes committed against underage girls born or placed into the FLDS, as part of the systematic victimization of young women within the sect.

Consideration should also be given to the full application of Federal laws to investigate potential white-collar crimes by FLDS members and their leadership—activity that spans State borders and which Federal law enforcement is experienced and qualified to evaluate and prosecute.

There should also be cooperation and coordination among State and Federal law enforcement on the collection, review, evaluation, and sharing of evidence that has been gathered throughout the States and Federal Government.

Cooperation and coordination are also needed to ensure that if FLDS members are charged with crimes, Federal and State resources will be dedicated to locating and arresting those defendants.

And, finally, I will mention that cooperation and coordination is warranted to assist the victims of crimes by FLDS members, including those victims who have been subjected to sexual or other forms of abuse.

These are just a few ideas for the Committee to consider. This Committee and the Department of Justice can be assured that the State of Texas will continue to work closely and cooperatively with Federal authorities to hold accountable those who have broken the law. I can also assure the Committee that there has already been

a good deal of cooperation and coordination among State and Federal law enforcement officials in Texas.

Thank you very much.

[The prepared statement of Mr. Abbott appears as a submission for the record.]

Senator WHITEHOUSE. Thank you, Attorney General Abbott.

Once again, let me say what a privilege it is for this Committee to have the law enforcement leaders of Federal and State law enforcement from four separate States all here at the table before us to discuss this issue. Having sat in those seats myself, I am particularly interested in the questions of coordination. In my time as United States Attorney, a great deal of effort was given to coordinating the efforts of different law enforcement agencies. Unfortunately, there was a fair amount of stovepiping at the time, and to make sure that everybody was operating, particularly when they were in the same area, in tandem was a significant—I guess you would call it air traffic control-type operation. And it strikes me here that that is certainly merited. I have heard people mention tax offenses, which the Internal Revenue Service would investigate; mail fraud offenses, which Postal Inspectors would investigate; interstate violent and civil rights crimes, which the FBI would investigate; identity theft and credit card fraud, which the Secret Service would investigate; if there are weapons offenses related, the Bureau of Alcohol, Tobacco, and Firearms would investigate; and then, of course, there are statutory rape, child molestation, assault, violent crime, and all sorts of State-level criminal offenses that are involved. And there may be other ways to do it, but in my experience, when you are trying to organize something like this, the U.S. Attorney either called the agencies together, established a task force that spoke to each other, and everybody kept track of what everybody was doing; or at a less aggressive level, designated a point of contact within the U.S. Attorney's Office for all activities related to that particular type of investigation so that, A, the U.S. Attorney had somebody accountable in their office to keep track of and, B, everybody in the office knew what was going on and this person became sort of a de facto coordinator for the agencies.

Do you have either set-up in your U.S. Attorney's Offices with respect to this issue? Or how are you organizing it? And when I say "task force," I mean an invisible one that is in the U.S. Attorney's Office coordinating and behind the scenes. I do not mean a massive, as you say, blunt instrument of raid jackets going out and doing things. We had very complex task forces that threaded out one agent to try to infiltrate into a gang, and then he would come back and report. And then we would move another. It was done in a very covert way, but as a task force coordinated at the management level.

Mr. BROWER. Senator, if I might address that first, I can tell you that in my 6 months on the job in Nevada, I have been very impressed with the extent of State, Federal, and local cooperation on a variety of fronts in my district; and in the last couple of months that we have been discussing this issue, I can tell you that I have been very impressed with the efforts by those at this table and our respective offices and other offices on coordinating on this particular issue.

I have tasked in my district my criminal chief to be the point of contact. Mr. Tolman mentioned a meeting that took place in my office a couple of months ago. Discussions have followed, cooperation has followed, and I think we are off to a good start.

Mr. TOLMAN. Senator, in my office there is, as you say, an invisible task force, and perhaps that is an appropriate analogy. My concern has always been that the announcement, the mere announcement of a task force dedicated solely to target one individual group can often defeat the very purpose that you are establishing the task force. You give notice to those individuals that you are targeting them. And we have seen already—

Senator WHITEHOUSE. I am afraid today's hearing may blow that. [Laughter.]

Mr. TOLMAN. And we have seen already with the announcement withdrawal of many that have been willing to come outside of those communities and to work with us. And we hope that it is not jeopardized because, as you know, the only way to get to some of the criminal behavior of these groups is true infiltrating the group or turning an informant into a cooperating witness. And I have four and will have a fifth person that is at the ready in my office to tackle certain crimes and investigative leads that may occur in these polygamous communities. I have one individual that is full-time managing the communication and coordination of this issue.

Senator WHITEHOUSE. And to the Attorneys General, can you let the Committee know, how is this being coordinated either within the National Association of Attorneys General or, if it is a more regional issue, within CWAG, the Western Attorneys General organization?

Mr. GODDARD. Mr. Chairman, members of the Committee, if I could start on that and defer then to Attorney General Abbott. As he said in his remarks—and I would have emphasized with additional time—this is a conspiracy, this is an organized crime, as has been referred to, which has profited from hiding behind borders. They have used jurisdictional barriers to their great advantage. There used to be a joke that the large houses in Colorado City and Hildale were actually on rails, and that if it got hot in Utah, they could move to Arizona; and if it got hotter in Arizona, literally, legally speaking, they could move it back to Utah.

That is not true, I hasten to say; they are on solid foundations. But, nonetheless, the jurisdictional ability to slip away when it was particularly difficult in one State, to find another that was not paying attention, unfortunately has been a characteristic of this criminal activity.

In addition, in the States, neither Attorney General Abbott nor I have original jurisdiction on the crimes that are being charged. That is our county attorneys, and I want to give great credit to Matt Smith, the County Attorney in Mohave County, Arizona, who has been the prosecuting agent. He turned around years of inattention in his term as the County Attorney there and has made a huge difference in bringing, I believe, eight cases now against people for sexual abuse of minors.

Senator WHITEHOUSE. Since my time is running out, may I ask if Attorney General Abbott would like to add something.

Mr. GODDARD. So we need better coordination, Mr. Chairman.

Senator WHITEHOUSE. Thank you.

Mr. ABBOTT. I will tell you that we have benefited from the expertise and experience of both the Attorney General for Arizona and the Attorney General for Utah as we have gone about the process of the investigation and now the prosecution of these crimes in Texas. I also want to add, though, that we have benefited from ongoing cooperation and coordination with the U.S. Attorney for the Northern District of Texas.

Senator WHITEHOUSE. Very good. At this point I would be honored to recognize the very distinguished Senator from Utah, Orrin Hatch, who has served with distinction as the Chairman of this Committee. So I am sort of rather new in this chair compared to the vast experience that he brings to it. So it is a great honor to have him have the chance to inquire. Senator Hatch.

Senator HATCH. Well, thank you, Mr. Chairman, and I think you are doing a very good job as usual. You are very bright, and you have vast experience in these areas.

Let me start with you, Mr. Tolman. In your statement you said that a Federal task force that deals specifically with polygamous groups "may be too blunt an instrument to accomplish an effective investigation, and subtler and more covert methods may be more profitably employed."

Just two questions. What do you mean by "too blunt an instrument"? And could you please explain what other methods might be effective in dealing with these very serious issues?

Mr. TOLMAN. We had established task forces previously. In 2003 and 2005, attempts were made to organize somewhat of a formal task force. They are cumbersome. When attempting to target a specific group where you need informants on the inside or you need an ability to infiltrate the group, it is something that unless you have been to these cities and observed the citizens of these particularly polygamous groups, it is remarkable. If an outsider were to drive through, they are immediately recognized by all that are residents in this area. They know who are within their community and who are without. Because of that, it is a great challenge to publicly target a specific group.

What is needed is constant communication and sharing of evidence and information, not only now within the State that they reside but now in multiple States and with international authorities. I am proud to say, Senator, that we now have more communication and information sharing in this area than I have seen in any of the successful task forces that are out there presently.

Senator HATCH. Well, thank you. We are so pleased to have all of you here. It means a lot to us to help us understand these things better.

I do not countenance criminal activity in any way, and I know you do not either. But let me ask you this, Mr. Brower: I greatly appreciate the part of your testimony where you state, "The United States Department of Justice does not target anyone for criminal investigation or prosecution—whether individuals or groups—based upon their religious beliefs." Now, you further stated that, "The Department's mission is to target Federal criminal conduct wherever it occurs..."

Now, I think it is vitally important that these statements be highlighted. Are you aware of any current investigations in which religious organizations have been targeted simply based on their religious beliefs?

Mr. BROWER. I am not, Senator. That is an excellent question, of course, and as I mentioned in my statement, the Department simply does not engage in such targeting.

Senator HATCH. Well, thank you.

Mr. BROWER. It is just not important to the Department whether a criminal wrongdoer has a religious affiliation or not. It is just not relevant.

Senator HATCH. Thank you.

Mr. Tolman, just a short answer on this if you can. There appears to be a perception by some that certain Western States are simply ignoring possible criminal violations occurring in polygamous groups. I am certainly aware that many States, including Utah, fairly pursue the appropriate investigations of criminal activity.

Now, isn't it accurate that law enforcement entities in Utah and other States have vigorously investigated credible accusations related to this topic?

Mr. TOLMAN. Senator, let me, if I may, describe to you what investigations have been—what leads have been followed upon and what investigations have been conducted just by the FBI and my office.

Senator HATCH. If you could do it quickly, I would appreciate it.

Mr. TOLMAN. Since 2004, we have investigated and followed up leads involving racketeering charges, illegal wiretaps, and possible civil rights violations by the Hildale/Colorado City marshals; trafficking in underage girls for the purposes of forced arranged marriage to older men or otherwise known as the Mann Act violations; unlawful flight to avoid prosecution; stockpiling of illegal weapons and explosives, including machine guns and .50-caliber sniper rifles. We investigated allegations of the murders of infant children and improper disposal of their remains; various forms of Government program fraud, including Medicaid and food stamp program fraud, as well as false claims for reimbursement for child care expenses. We have investigated and worked with partners for violations of child labor laws. We have investigated sexual misconduct by Warren Jeffs and other leads of the FLDS sect, including illegal sexual acts perpetrated against children. We have investigated tax fraud. The IRS has investigated a number of other types of fraud involving tax schemes, including business fraud and individual fraud. And we have investigated corporate and business fraud allegations in the southern part of Utah.

That is just since 2004. It is to me one of the areas in which we work most diligently to followup on these leads. But, last, Senator, may I add that it is significant and important that we remember that probable cause must be established before we can present any investigative leads to the grand jury to seek charges. And our finding is that often without cooperating witnesses or someone from the inside, probable cause is difficult to maintain, and I am reluctant to act without that standard of the Constitution met.

Senator HATCH. Well, thank you. The Chairman has graciously allotted me a little more time to ask a couple of other questions since my State has been involved to a degree.

Mr. Goddard, you indicated—and I appreciate your testimony. I appreciate the work that you have done and that you are doing in Arizona. But you stated that the Church of Jesus Christ of Latter-Day Saints, commonly nicknamed "the Mormon Church," should not be confused with the FLDS. Could you explain what that means?

Mr. GODDARD. Mr. Chairman, Senator Hatch, I would be delighted. And the confusion has persisted in the media, and I think it is highly unfortunate.

Senator HATCH. It is very offensive to me and to Senator Reid and every one of us who belong to the Church of Jesus Christ of Latter-Day Saints.

Mr. GODDARD. Obviously, the break that took place at the beginning of the last century, in the 1900s, when polygamy was declared a felony crime in Utah, a small splinter group, FLDS and some others, split off. They have distinctly different leadership, different beliefs. And I just want to be absolutely clear that there should be no confusion between this small sect—actually, one of the largest sects in the United States, but small compared to other religions—and the Mormon Church. And I hate to say the confusion of names has sometimes led media, in particular, to get these two organizations mixed up. That is something that is greatly to be regretted.

The FLDS nomenclature was actually determined by a lawyer to create some kind of uniqueness for the sect led by Warren Jeffs. It was not chosen by them, but that history has caused some bad confusion.

Senator, could I talk just for one second about the coordination?

Senator HATCH. Sure.

Mr. GODDARD. I believe I speak for your Attorney General, Mark Shurtleff, as well as myself to say that we have pled for the kind of the Federal cooperation that we are now beginning to see in our States. It has taken a while coming, and I do appreciate the meeting that was recently held in Las Vegas where 50 local and State and Federal law enforcement officers got together, shared information, and talked about where we can go next to coordinate and cooperate. That is great progress. But like any investigation and ultimately, we hope, or believe, prosecution, of this size, it is going to need a captain. It is going to need some kind of coordination to make sure that everybody is on the same page and that they come back to these issues each day.

As I said, the FLDS has thrived in isolation, and they have used borders to their great benefit. And unless we can have the kind of overall coordination in the region and across national borders as well, it is going to be difficult to pursue these criminal activities to the end. And I believe that is what this hearing is all about. And I hope the Senate will take very seriously the request that I support—and I know Attorney General Shurtleff solemnly supports—the idea of a task force, a strike force, a coordinating entity in the Department of Justice that can help us overcome the isolation and the use of barriers, jurisdictional barriers, to the benefit of criminal activity.

Senator HATCH. Well, thank you.

Mr. Tolman, do you agree with Mr. Goddard that the worldwide Church of Jesus Christ of Latter-Day Saints should be completely delineated as separate from the FLDS?

Mr. TOLMAN. Education is ongoing and a challenge with respect to this issue, and one of the biggest, I think, hurdles comes at the beginning, and that is, who exactly is this group and what do they stand for. And the fact that they are separate and distinct, that the LDS Church, otherwise known as the Mormons, since 1900 have kicked out any of its members who have practiced polygamy and has indicated that their membership is to strictly adhere to the law. That is a big distinction and an area of confusion. I agree with the Attorney General that it is unfortunate. But it should be noted that we receive great cooperation in Utah by the membership of the LDS Church who hope that this practice is eradicated and the damaging effect that it has on the children especially, and the women in this community, are considerations that are at the forefront of their mind and in our mind.

Senator HATCH. Mr. Abbott, I am sorry I did not have any questions for you. I do have some, but I think I have taken enough time. But I appreciate the difficulty of your State and some of the problems that have existed. And I am just very impressed with you and your testimony here today.

Mr. GODDARD. Thank you.

Senator HATCH. Thank you, Mr. Chairman.

Senator WHITEHOUSE. I am now pleased to call on the distinguished Senator from Maryland, Senator Ben Cardin.

Senator CARDIN. Well, thank you, Mr. Chairman. I thank you very much for holding this hearing, and I thank Senator Hatch for his leadership in this area and so many different areas over the years. And I certainly concur completely with your comment about the need to make it clear that FLDS and similar groups are in no way related to the Church of Latter-Day Saints and legitimate church groups around the country. I thank you for making that distinction.

Senator HATCH. Well, thank you. I appreciate your comments.

Senator CARDIN. On the next panel, there are two witnesses that will give firsthand accounts of what it was like living in FLDS and their personal experiences and those of their families. And I must tell you, I first want to thank you all because I know that you are dedicated to doing everything you can to protect families in our country and to make sure our laws are adhered to and using the resources the best you can to make sure that those that are engaged in criminal conduct are brought to justice.

But I must tell you, as I read the testimony of the witnesses in the next panel and read their experiences—I chair the Helsinki Commission on the Senate side where we look at international human rights violations, and what happened here, what is happening here in this country is as bad as anything I have seen anywhere in the world on children and families that have been denied basic human rights because of the activities of those involved in these polygamous colonies.

It is difficult to understand how this can occur in the United States and has occurred for such a long period of time. One of the

witnesses will talk about her experiences with local officials, how—and let me just quote. When someone would complain of being abused, a woman would complain, they would say you "are married to a good man" and if she was obedient, "there would not be any problems," referring to the local police returning a woman back to her husband, saying, you know, "Be obedient."

She then goes on to say that women could not get driver's licenses, so, therefore, they could not drive outside of their own community. They could drive in their own community because the local police would not bother them. And it goes on to talk more and more about the collusion of local officials.

So I really want to ask whether as part of your investigation you are looking at the activities of those who have sworn to uphold our law and whether they have violated their oath, violated statutes in allowing those who needed protection being denied the opportunity to get the type of services that should have been provided, and whether these local officials are really very complicit in the illegal activities of these polygamous groups.

Mr. TOLMAN. Senator, if I might, that is a constant stream of allegations in the history of dealing with this issue, that the U.S. Attorney's Office in Utah, speaking just for my office, that we have dealt with. We receive several allegations each year of corruption, public corruption in the police force and those that hold community leadership positions in that community.

We have reached dead ends on so many of the investigations that great discouragement has occurred. But I will tell you, with the apprehension of Warren Jeffs, some of the evidence that has been seized both in Utah and in Texas, we are more hopeful than we have been in previous time that we may be able to establish the evidence necessary to present that to a Federal grand jury.

Senator CARDIN. I think that is very important—and I will let you all have a chance, please.

Mr. ABBOTT. If I could add, you are actually highlighting one of the big challenges. A concern obviously may exist with regard to corruption, but you need to understand the broader concept of how FLDS goes about their organization network.

When they came to Texas, they picked a county that was so sparsely populated, the FLDS sect would be able to step in and perhaps gain control of the governmental apparatus in a way that they could keep away from any kind of—or suppress any kind of law enforcement effort. There are less than 700 people who voted in Schleicher County, Texas, which is the county where FLDS set up their sect. We believe that FLDS set up their sect in Schleicher County, Texas, understanding that their population alone may be able to overtake the voting population in the county in a way where they would be able to control the local law enforcement agencies in a way where they could evade any kind of prosecutorial effort.

Let me be very clear about one thing. I know you want to say something, but I want to be clear. We have seen no evidence whatsoever concerning the local officials in the State of Texas about any kind of illegal conduct by those local officials or anything improper, but we do see this pattern of organization by FLDS in a way which

way they try to set up their operations to evade governmental prosecution.

Senator CARDIN. I will give you a chance to comment.

Mr. GODDARD. Mr. Chairman, Senator Cardin, one of the main reasons I am here to plead for additional Federal support is because of civil rights violations perpetrated by officials. Between Attorney General Shurtleff and myself and the efforts of the local law enforcement certifying community, we have de-certified six town marshals in Colorado City and Hildale. But I do not believe that is enough. De-certification is a ponderous process. It usually involves, as U.S. Attorney Tolman has said, a proof of adherence to something other than the law and Constitution. And so we, for instance, have found documentary evidence in correspondence with Warren Jeffs where members of the Marshal's staff said, "We will follow you, not the law, not the judges." We have asked the marshals to serve warrants, and they have sat there while fugitives escaped in their observation. So these people were not following their sworn duty. We have removed six of them, but others who are also members of the FLDS have come in their place.

This is an institutional problem, and the Justice Department in other communities—I believe Detroit is one example—have gone in and found systematic civil rights violations and have taken over their department, found that it was unable to perform its sworn duties. I would submit—and this was my request 3 years ago—that the Justice Department needs to take a hard look at institutional civil rights violations with a possible thought of taking over a receivership-type operation, because the marshals as an institution are having a very hard time following the law.

Senator CARDIN. I would just urge us to learn from how we dealt with the civil rights issues and where we knew the local officials were very much involved in our strategy in trying to deal with the protection of communities and the need for Federal involvement. I see a similarity here.

Just a final point I would make. In the testimony, it was brought out about this group could easily be classified as a hate group, a hate crimes group, because of what they are teaching young children. And I think it really does cry out for us to be very comprehensive as to how we go forward. And it would be, I think, a clear signal to see criminal charges brought against those who have violated the criminal statutes that are elected—or who are public officials as a clear signal that this cannot be tolerated in this country.

Thank you, Mr. Chairman.

Senator WHITEHOUSE. I will conclude this panel by once again thanking the witnesses. You bring great distinction to this Committee with your presence, and I hope you find that the hearing has been helpful in terms of animating the spirit of cooperation that is necessary to prosecute these criminal offenses. If we can be further helpful, please do not hesitate to call on us, and the panel is excused.

Senator WHITEHOUSE. I will call up our final panel.

Would you all please raise your right hands? Do you affirm that the testimony you are about to give before the Committee will be

the truth, the whole truth, and nothing but the truth, so help you God?

Mr. SINGULAR. I do.

Mr. FISCHER. I do.

Ms. JESSOP. I do.

Senator WHITEHOUSE. Please be seated, and I welcome you to this Committee. I know that this is a difficult and very personal subject, and I have to say you have exhibited very great courage and character in being here today, and I appreciate it very much.

Why don't we just go across, beginning with Mr. Stephen Singular.

STATEMENT OF STEPHEN SINGULAR, DENVER, COLORADO

Mr. SINGULAR. Thank you, members of the Committee.

I am an investigative journalist and the author of 19 nonfiction books. Since 1985, I have been writing about that line where religion crosses over into criminal behavior. In early 2006, my wife, Joyce, suggested that I look into the story of Warren Jeffs and the FLDS because she believed that women in particular would be interested in this story. She was right, and this is a significant point.

Historically, societies can be measured by how they treat women and children.

That spring, I began traveling to Colorado City, Arizona, interviewing townspeople, ex-church members, and law enforcement. In 1953, Arizona had raided this community to root out the FLDS polygamous lifestyle and had failed both legally and in terms of public opinion. Fifty years later, the State was employing criminal investigation techniques to target specific individuals who were breaking the law, and they were having success. Both Arizona and Utah were building a new approach to tackling what many have called religious terrorism.

One victory came with the capture of fugitive Warren Jeffs, the prophet or leader of the FLDS. In September 2007, he was convicted on two counts of accomplice to rape for forcing a 14-year-old girl to marry her first cousin.

Back in the 1970s, Jeffs was the principal of the FLDS-run Alta Academy, just outside Salt Lake City, and students there later described how he had abused them emotionally and physically. His nephew, Brent Jeffs, eventually sued Warren and two of his brothers, alleging that when Brent was five, they had repeatedly sodomized him in a bathroom in the school basement. Brent's brother, Clayne, another victim of these attacks, committed suicide. In 2004, when Brent filed a lawsuit against the prophet, Jeffs responded to this legal action the same way he had to the American Government and to our criminal justice system: He had ignored them. As the FLDS prophet, he has also ignored:

No. 1, the child labor laws of Arizona, Utah, and Nevada. Young FLDS boys were sent off to work in the church's construction companies, and because they were hard-working and unpaid, the sect could underbid the competition and generate both private and Government business. One FLDS-run company, New Era Manufacturing, has a Department of Defense contract for aircraft wheel and brake manufacturing worth $1.2 million. JNJ Engineering has an $11.3 million deal with the Las Vegas Valley Water District. A

third FLDS company, Paragon Contractors Corporation, has been fined more than $10,000 by the U.S. Department of Labor for employing 12- to 15-year-old boys and not paying them.

No. 2, Jeffs ignored the Mann Act, which makes it illegal for minors to cross State lines for sexual purposes. As the prophet, he routinely commanded men to marry women and teenage girls in secret ceremonies in Caliente, Nevada, across the border from the FLDS home base in the twin towns of Hildale, Utah, and Colorado City, Arizona.

No. 3, Jeffs ignored the laws against bigamy and underage marriage in Arizona and Utah, selecting the men who would receive new brides and joining them in "spiritual marriages." These "plural wives" with dependent children then became eligible for welfare payments—and welfare fraud. Colorado City has received eight times the welfare assistance of comparably sized towns in the area. Despite violating these laws, Colorado City has been awarded $1.9 million from the U.S. Department of Housing and Urban Development to pave the streets and improve the fire department and water system; more than $12 million a year from Arizona in health insurance premiums for the poor; and a $2.8 million airport from Washington, D.C. The FLDS openly despises the American Government while taking its money, a tactic they call "bleeding the beast."

No. 4, Jeffs ignored the fate of hundreds of teenage males in his community—known as "Lost Boys"—after they rebelled against forced child labor and his other harsh rules. He tossed them out of Colorado City and Hildale by the hundreds, leaving them to fend for themselves on the streets of St. George, Utah, Salt Lake City, and Las Vegas. Some of the young men broke laws and were arrested, burdening local police departments and publicly funded social services.

No. 5, Jeffs ignored outside law enforcement because the border towns' police force was made up of FLDS members utterly loyal to their prophet. After Jeffs had gone underground to avoid arrest, Colorado City Police Chief Fred Barlow wrote him the following letter: "Dear Uncle Warren, I would first like to acknowledge you as the one man that was and is called of God to stand at the head of his priesthood and the Kingdom of God on the earth in this day and time. I rejoice in the peace that comes over me when I follow the directives that you have sent to me through Uncle William Timpson...I am praying for you to be protected and yearn to be with you again...And I know that you have the right to rule in all aspects of my life..."

No. 6, Jeffs ignored the genetic disorders caused by the sect's inbreeding. In Colorado City and Hildale, Phoenix pediatric neurologist Dr. Theodore Tarby uncovered the largest occurrence in the world of a rare disease called Fumarese Deficiency, which produces overly large heads, misshapen brains, deformities, seizures, and even death. The severe condition was one more drain on public moneys needed for medical care.

No. 7, following his arrest, Jeffs and his lawyers successfully fought efforts to get at FLDS financial records, stored on computers in the vehicle in which the prophet had been traveling. No complete picture exists of the FLDS income streams that supported Jeffs' lavish fugitive lifestyle, paid his colossal legal bills or other

vast expenses. In 2003, the FLDS bought the Texas ranch for about $700,000. Today it has an assessed value of $20.5 million. Where did all the funds come from for these improvements, and for other purchases of land in South Dakota and more recently in Colorado? Has money been laundered or taxes evaded?

Until the FLDS is thoroughly investigated by those with subpoena power, the full extent of the sect's sexual abuse, forced marriage, underage marriage, and financial schemes will remain unknown. A nationwide network now exists of people who have escaped the FLDS and understand its workings from the inside out. They have spent years trying to get law enforcement to investigate the sect more fully, are willing to testify against Jeffs and his church, and they would welcome Federal action. The FLDS has become both a national phenomenon and a national problem—creating generations of victims spread across the Southwest. None of this is about religious freedom or faith, and FLDS members should not be treated any differently from any other American citizen. This is about uncovering and prosecuting individual criminal behavior by those who have violated State and Federal laws, which is the best way to stop those who terrorize in the name of God.

I respectfully ask you to consider these words and warnings from someone who has spent more than 2 years investigating this sect.

Thank you.

[The prepared statement of Mr. Singular appears as a submission for the record.]

Senator WHITEHOUSE. Thank you, Mr. Singular.

Our next witness is Dr. Dan Fischer, who was the first-born of 36 children in an FLDS family in Salt Lake City. He eventually left the community and started Ultradent Products, Incorporated, a dental products company. Dr. Fischer also started the Diversity Foundation, which, among other things, provides shelter and counseling to hundreds of teens expelled from polygamous enclaves, known as "Lost Boys." To quote Utah Attorney General Mark Shurtleff, "Dr. Fischer is a remarkable man. He has done more for the Lost Boys than everyone else combined."

Dr. Fischer, we are proud to have you with us.

STATEMENT OF DAN FISCHER, SANDY, UTAH

Mr. FISCHER. Thank you, Mr. Chairman and members of the Committee. Thank you for inviting me here today.

As was mentioned, I was born in this society. My father had three wives. I am or at least was the oldest of 36 children.

I left the FLDS 12 years ago. I have witnessed for 50 years the pivotal changes that brought FLDS to what they are today.

I am a co-founder with Micha Barach of the Diversity Foundation. Over the last 4 years, the foundation has been significantly engaged in helping about 230 expelled FLDS young people, most of them male.

When I travel across America and to international destinations, should the subject of FLDS and polygamy arise, the first expression is disbelief. How could this be occurring in America and in the 21st century?

Reality: The problems caused by the FLDS leadership are unacceptable whether they were a polygamous or monogamous society.

Too often wrongful actions occur under the smoke screen of polygamy or religious freedom. Unfortunately, FLDS polygamy has degenerated to a cult that is far from benign.

It would be a mistake to assume that FLDS people are not intelligent and/or less than actively engaged in life. In fact, many FLDS are intelligent and hard-working. Many are very proficient with modern technology, even sophisticated surveillance and the like. For example, in 2005, the former special investigator for the Utah Attorney General's office, Ron Barton, shared with me that approximately $600,000 had been granted to the FLDS Colorado City police by the Federal Government under the provisions of the new Homeland Security program to attain sophisticated surveillance equipment. There is good reason to believe they have learned to use it for multiple purposes.

The FLDS feel that they are a suppressed and persecuted people. They have banded together in a virtual underground way characteristic with what occurs when leadership of any society takes total control of both spiritual and temporal life. Their prophet is as their God. Whatever he says takes precedent over any previous scripture of any previous century. It can also take precedent over the laws of the United States.

Without question, FLDS members will sacrifice self, family, and children if directed by their leader. Their salvation and exaltation, as taught by their prophet, is dependent on them obeying totally what their prophet requests no matter what.

Who one is married to and when—including underage marriage—is totally under the control of FLDS leadership. If a young woman refuses to marry a man the prophet tells her to, she comes under extreme pressure. And if she chooses someone on her own, she may be branded with, in essence, the "scarlet letter." If a young man, on the other hand, shows any interest in a girl, he is "kicked out of town." Regardless the reason a boy is expelled, the directive falls under the control of the leadership.

In more recent years, the FLDS have moved to extreme tactics to "bleed the beast," namely, the U.S. Government. Some men and businesses will even take out bankruptcy so as to keep more moneys funneled toward the benefit of the leadership.

Warren Jeffs has been known to recommend the book "The Third Reich." Warren has had objectionable school books destroyed. Not unlike the environment in Nazi Germany, Jeffs encourages young people to tell on the wrongs of their parents, siblings, and friends. He eliminated the possibility of public education for them in 1998. Immediately, over 1,200 children lost a quality education. You can multiply the number affected by 2 to 3 times after a 10-year period.

Probably one of the greatest atrocities Warren Jeffs has brought upon the FLDS has been the decimation of families. Since around 1998, about 250 married men of all ages and some with multiple wives, children, and grandchildren have been expelled. Their wives will not object. They have been taught even by their own husband for years that obedience to the prophet must supersede even their love or devotion to him. Many of these wives and married children are instructed to change their last names to that of the new father. This destroys a family, a heritage, a lineage, and the basic glue that holds a society together. This plus being cutoff from family

and community often contributes to much of the post-traumatic syndrome issues that we deal with working with the Lost Boys.

In 1998, my family was destroyed by Jeffs. If you find another 2 or 3 minutes in this program, I will share with you the events as they transpired. It is a chilling story. It happened when I was 50 years old. I had nightmares for a year. I still have nightmares.

The most tragic atrocity caused by the current FLDS leadership relates to children. I have often said: "Keep your eye on the ball and the ball is the children." We know what can occur in the mind of a young child when they are involved in even a typical divorce in which there is a presiding judge who has the duty of determining what is in the best interest of the child. Who looks out for the children when FLDS families are destroyed on the order of Jeffs?

Imagine the horror and terror that must occur in their tender minds when they wake up one day to the realization that their father is no longer their father; that he will not be hugging them, talking to him, or even interacting with them ever again. And then imagine what must be going through their young minds as they discover their mother is married within days to another man who is then kissing and making babies with her. Imagine the scarring that will continue in that young mind for a lifetime.

The instant and spontaneous mandate of divorce and remarriage is just one example affecting lives of families and individuals when due process of law can be circumvented.

We believe this atrocity has harmed in excess of 1,000 American children. For some this has occurred multiple times with them drug "family" to "family" and potentially spread over multiple States. I believe this ongoing atrocity has and will continue to increase the likelihood of additional child abuse of multiple dimensions. One of our esteemed Senators, Hubert Humphrey, said something to the effect: You can measure the quality of a society by the level of importance they put on protecting their most vulnerable citizens. No Americans are more vulnerable and more precious than our children.

The Diversity Foundation was founded about 10 years ago. It was founded for the purpose of furthering a better understanding with America's youth of the value of diverse races, religions, and backgrounds. For the last 4 years it has been substantially engaged in helping young men who have been expelled or left the FLDS society. This weaning of the flock of males continues even though the boys may try to return home, and even when a court order attempts to send them home. This is the case in spite of many prominent FLDS claiming there are no Lost Boys, but only rebellious boys as found in other societies. Included in my submission are short audio clips of Jeffs teaching young people, grades 5 to 8, how and for whom the prophet decides to "kick out of town." Listening to it brings another dimension to the problem.

Diversity's greatest expenditures with the castaway young men are for education and psychological counseling. Imagine the challenge that exists for a 13-year-old who must make it on his own. Imagine the challenge that occurs for a 20-year-old who can neither read nor write or does not even know multiplication tables—someone who was kept out of school to work in heavy construction at

a very young age, their earnings going to family or FLDS leadership. Tragically, some of these young boys have even died in accidents on constructionsites.

In a cloistered polygamous society, simple math and biology tells us some boys must either become bachelors for life or leave. More recently, a few young girls have come out. Counter to Jeffs's view of boys as expendable, FLDS characteristically fight hard to keep their girls. Multiple years of expelling free spirits plus downgrading and preventing education ultimately rapes a society. Hitler and Stalin killed their self thinkers and intellectuals. Jeffs prevents or expels them.

I value our religious freedoms. However, claims of freedom of religion should not be allowed to blind us to the many illegal and unconscionable activities of FLDS leadership. I invite Congress to take appropriate measures to protect all innocent parties, but especially children. As was once said, "Doing the right thing is not always easy but it is always the right thing."

Thank you,

[The prepared statement of Mr. Fischer appears as a submission for the record.]

Senator WHITEHOUSE. Thank you, Dr. Fischer.

Our next witness is Carolyn Jessop. Carolyn Jessop was born into a polygamous family. When she was 18, Ms. Jessop was forced to marry a 50-year-old man. She was his fourth wife. Over the course of 15 years, Ms. Jessop had eight children and lived with her husband and his wives in Colorado City, Arizona. Early one morning, in the spring of 2003, Ms. Jessop packed her eight children into a van and escaped from Merril and the polygamous community. They fled to Salt Lake City, and in 2007, Ms. Jessop coauthored a book, "Escape," about her life in the polygamous community and her escape from the community. We welcome her here to the Committee.

Ms. Jessop?

STATEMENT OF CAROLYN JESSOP, WEST JORDAN, UTAH

Ms. JESSOP. Thank you, Mr. Chairman and members of the Judiciary Committee. It is both a privilege and an honor for me to be here today. I am here today to inform this panel about my firsthand experiences of the systematic abuse and the disregard for the law within the FLDS which leads to the isolation of its most vulnerable individuals within any community—women and children, who live without the protection of laws that most Americans take for granted.

In my experience in Colorado City, Arizona, the mayor, many city officials, the chief of police, and every police officer were all members of the FLDS and were essentially hand-picked by church leaders.

If a woman was beaten by her husband and called the police, she was typically told by the police officer that she was "married to a good man," and if she were obedient, "there would not be any problems." The police would not interfere with their religious teachings. This gave a man the right to discipline his household.

FLDS women were expected to drive unlicensed, unregistered, uninsured cars around the community. I was never once pulled

over by a local police officer for this infraction. This meant that I had transportation within the community, but I could not drive beyond its borders without being stopped.

I would like to just insert here that the day I left to escape with my children, I drove out of that community in an unlicensed, uninsured vehicle. If Merril Jessop would have called the police, that is the very thing. They would have pulled me over and prevented my escape, and I would have been charged for that.

The night I escaped with my children, I knew I could not go to the local police for protection because they would be the first men that Merril would call to hunt me down. The result of this collusion between the FLDS and police is that there is nowhere to turn for a woman who is seeking refuge from an abusive situation.

Boys and girls, often as young as 12, are required to leave school and work for the FLDS businesses, which were often construction firms. It is not uncommon for these children to be required to be on the work site by 6 a.m. or 7 a.m. in the morning and work until dark, which could be as late as 9 p.m. in the summer.

My oldest son Arthur was one of these children. He was 12 when he was pulled out of religious school, the only education available at the time to FLDS children. He was sent to work for his half-brother's business. This was not a summer job. This was full-time, year-round employment of sorts. My son was not paid.

In Colorado City, I did not know a safe place I could go to report child labor abuse. I could not report it to local authorities because they were all part of the FLDS. I feared if I went outside of the community to Child Protective Services I would be held accountable because I was his mother.

I knew, as does every woman in the FLDS, that polygamy is an illegal lifestyle. We fear going to any service agencies outside our community because of the risk that we would get into trouble instead of being helped. We are all multi-generational Americans, but we have the same fears as any illegal immigrant. I know I did not believe I had the same constitutional rights as other Americans.

In 2002, as Warren Jeffs increased his tyrannical hold on the FLDS, all FLDS children were taken out of public schools and placed in religious schools. The focus moved from teaching reading, writing, and mathematics to Warren Jeffs's tapes, which indoctrinated the children into such beliefs as these. If a man is instructed by the FLDS prophet to take the life of another human being, he should do so in humility.

All school materials had to be authorized and approved by Warren Jeffs, which meant that religious schools did not have access to normal educational textbooks. In the FLDS school my children attended, there was no one with a college education. It was forbidden. To the best of my knowledge, none of the teachers were certified. No standardized tests were ever given to measure a child's learning progress. This is creating a generation that is functionally illiterate. After we escaped 5 years ago, my children started in public schools. They were already at least 3 years behind academically.

In 2006, after Warren Jeffs was arrested, the religious schools in Colorado City and Hildale were closed. Parents were told to keep their children home and pray for the destruction of "the wicked." Approximately 700 households of FLDS member families were af-

fected by this order, and for the last 2 years, the majority of FLDS children residing in Colorado City and Hildale have not been registered for either home schooling or religious schooling. Their education has essentially stopped.

Somewhere toward the end of 2001, Warren Jeffs started taking young girls who were between the ages of 14 and 16 from Colorado City, Arizona, and Hildale, Utah, to Merril Jessop's hotel in Nevada to perform secret marriages. While not all men in the FLDS have plural marriages and engage in sex with underage girls, it is considered socially acceptable and religiously desirable behavior, especially under the leadership of Warren Jeffs.

In 2003, one of the main reasons I fled with my eight children was that Betty, my oldest daughter, was about to turn 14, the age at which young girls were being married. After I escaped, Merril subsequently married two 16-year-old girls: one was to him from an FLDS group in Canada, the other was sent from Hildale, Utah to his home in Colorado City, Arizona. I know this because Merril introduced these teenage girls to my children as his new wife.

I speak truthfully and from firsthand experience when I say that I was not free to leave my husband or this religion. From the time I took my first steps away from Merril Jessop, I needed legal protection.

It took 2½ years before I received any housing assistance. Because of the number of my children, I did not qualify for low-income housing. I was told by a State employee that I qualified in terms of need for refugee services. However, these services are only available for people coming from other countries. In other words, there is more help for a woman fleeing the persecution of a communist country than there is for a woman fleeing from polygamy.

Women leaving close polygamous communities need physical protection, psychological intervention, and emotional support for themselves and their children. They need appropriate housing assistance, most of which exists for women with only three or four children.

When I first fled, I felt like I had landed on another planet. I had only limited exposure to the outside world, a world I had been brainwashed to believe from birth was evil. My rights to my own life and liberty were taken from me when I was forced to marry Merril Jessop. I never knew what it meant to feel safe until I was 35 years old and went into hiding on the third day of freedom after our escape. It took me a year before I could think of myself as a person, not an object.

I stand here today to ask the U.S. Government to provide Federal oversight to closed FLDS communities so the FLDS members who are seeking refuge know where they can find a safe haven if they choose to leave. I stand here today to ask the U.S. Government to see that the laws of this land are reliably and equally enforced in FLDS communities as they are in the rest of the United States. I stand here today to ask the Government to guarantee that reasonable education be provided for FLDS children, the same as it is for other American children. I stand here today to ask the U.S. Government, my Government, to show up for FLDS children the same as it does with respect to all of its other citizens. This would

not be religious persecution, just equal protection, equal enforcement of the law.

Thank you for inviting me to testify today.

[The prepared statement of Ms. Jessop appears as a submission for the record.]

Senator WHITEHOUSE. Well, thank you for your testimony, and thank you to all of the witnesses. Each of you in your own way has really been remarkable: Mr. Singular, in your persistence in investigating and bringing to light these practices; Dr. Fischer, in surviving them and turning what happened to you into such a force for good for the Lost Boys that, as you point out, are produced by biology and mathematics in a polygamous community; and perhaps most astonishingly, to you, Ms. Jessop, who at such a young age with so many young children dependent on you, with so little support behind you, and with a completely uncertain future in an unknown world, in fact, in front of you, nevertheless took the courageous step of stepping into that unknown and away from everything that you knew and pursued freedom you knew that you and they deserved. It is a very impressive story.

I am not going to ask questions at this point. I am going to defer to Senator Hatch.

Senator HATCH. Well, thank you. I will not ask many questions. But, Dr. Fischer, I think you should be commended for how generous you have been with your resources and through your organization, the Diversity Foundation. You mentioned in your statement the FLDS polygamy has "degenerated into a cult that is far from benign," if I have quoted you correctly. What do you think has changed in the FLDS church over the past several years to warrant your making that statement?

Mr. FISCHER. Yes, I think the first significant changes occurred around 1957, 1958, when it became church policy mandating that courtship stop, that young people would be married strictly by appointment of the leadership. This puts a tremendous magnitude of power within a leadership.

I believe another factor was the institution around the same time of a young man's missionary program in which they would work for 2 to 3 years for the church. If they proved to be worthy, obedient, they were given a "blessing," namely, a wife.

I see also the milestones of increased pressures for the law of consecration in which, if you were FLDS living in Salt Lake, you should have your home, your title assigned over to the leadership. This was a given in Short Creek.

I see in the mid-1980s then a very aged prophet, a gentleman so well respected by FLDS for his human and family values, even in spite of the laws against polygamy, who as he became older, and with some of the priesthood council split and Rulon Jeffs only standing by him, putting in place a scary precedent.

It evolved in that time that Leroy Johnson should be looked at as the one man who was virtually as God; and, furthermore, that, in fact, he would never die. And then it evolved to where the world would end in the year 2000, which brings another tremendous amount of fear to membership.

It also became common teaching, often from the pulpit, that God would not allow a mentally compromised individual to sit in the ca-

pacity of prophet of that society. So by the time Warren was able to grasp the reins—Warren, I believe firmly, is not a normal human—I lived with him with my own children in the Alta Academy—It enabled him to immediately be looked at as a virtual god, and it became virtually impossible for people to be able to speak frankly so to say this guy is stuck in the mud. He is not only stuck in the mud, he has a blown engine.

It is a remarkable set of circumstances that have brought them to this point.

Senator HATCH. Well, thank you.

Ms. Jessop, I, too, applaud your courage and determination, and without a doubt you have been through an awful lot. The experience that you outlined in your statement, the various experiences were very moving and we are grateful that you could be here and help us here today.

Now, in your testimony you mentioned that you previously did not believe that you had the same constitutional rights as other Americans. Could you elaborate on that a little bit more?

Ms. JESSOP. That involves the fact that I knew if I went to authorities, I would be viewed as a criminal. So I did not believe that—I mean, I did not see myself as a normal citizen.

Senator HATCH. I see.

Ms. JESSOP. And so I just believed that, you know, I did not have access to the same protections.

The other thing, the other element, is there were substantial holes in my education. I did go to public school within the FLDS, but as I covered in my statement, I did not read. But the administration were all FLDS, so were the teachers, most of the teachers. And it was not at all uncommon to receive a textbook with chapters cut out. So I did have substantial holes in my education as to what my rights were and how I was protected.

Senator HATCH. I see. Now, I understand that Arizona and Utah both established 24-hour toll-free hotlines operated by professional counselors to talk about child abuse and domestic violence. Do you believe that the victims in the polygamous communities are aware of these hotlines? And if so, do they have the fear of using them?

Ms. JESSOP. I know that those hotlines were established after I talked to Mr. Shurtleff about my experience and how difficult it was for me to get out of the community. There have been individuals that have donated signs to help fund some of the awareness. So I believe that there is some awareness. I do not know how much. I do think that people are terrified to use those lines because, if they do—if you want to try leaving the society, failure is not an option. You cannot fail. I am sure that an individual would be terrified in using that line and if somebody overheard them talking. Will there be appropriate help? How quickly will it come? There are a lot of concerns.

Senator HATCH. Thank you, Mr. Chairman.

Senator WHITEHOUSE. Senator Cardin?

Senator CARDIN. Well, I want to join with the Chairman and Senator Hatch in thanking you for appearing here, and I admire your courage in doing the investigations or what you have done in escaping the circumstances and turning this around to try to help other people. I thank you for that.

I would just like to give an analogy to an issue that the United States has been in the forefront in the international community, and that is, we have led the fight against the trafficking mainly of young women, but also boys, internationally, and have been responsible for the change of laws in other countries and the international organizations establishing the ability to help countries deal with the issues of trafficking.

What happens in trafficking is that in many cases there are different entities that are involved with telling women there are opportunities in other countries and they either transport them illegally or they keep their travel documents and keep their money so that they are involved in prostitution or other types of child labor issues and are trapped. And if they try to leave, there is no opportunity to leave because they do not have their documents, they do not have any money, and if they go to the local police, the local police look at them as criminals, as you pointed out, Ms. Jessop. As you sought services, you were looked at as being different, that you did something wrong; you were involved in a polygamous marriage, therefore, you were a criminal.

And it took us a long time to get it through that you are a victim, and the people that are involved here are victims. And I think, Ms. Jessop, your recommendation that there be services available, that we treat the people who have been trapped in these circumstances as victims, until we get that through, I think it is going to be very difficult to deal with these colonies.

I am pleased that Senator Reid in his legislation acknowledges this and provides for help for victims. And I think we need to do a better job in the way that we get public attention to this issue. I raised with the last panel that those that are involved as public officials in communities that do nothing about it, to me they are the ones that really need to be focused on, because they are allowing this to continue.

I think Senator Hatch's point about making it clear that there is going to be help available so that people feel comfortable to come forward, that this will be immediate and it will be effective in being able to escape the traps that are currently available.

So, again, I want to thank you for giving us a face to this issue. I know it is not easy to be here today, and I thank all three of our witnesses.

Thank you, Mr. Chairman.

Senator WHITEHOUSE. I thank Senator Cardin for his observation. Senator Cardin has really distinguished himself in the Senate for his concern and work on international human rights issues. And I had not really thought of it before, but the trafficking analogy is really quite a good one. It is sort of trafficking in place. But the abuse, the lack of choice, the dependence—all of the elements that create the sort of aura of servitude and loss of freedom that is sort of the underlying concern about trafficking. It is not the travel that is the problem with trafficking. It is the servitude, and really that I think is what we are seeing here.

I just have one question. Attorney General Abbott in his testimony mentioned that this organization had what he described as unlimited resources. And Ms. Jessop in her testimony mentioned that this organization has vast resources. I wonder if each of you

would care to comment briefly on any measure you might be able to give us, either precise or just sort of by comparison, of what you believe the extent of the resources are under the control of this organization. Mr. Singular?

Mr. SINGULAR. Well, we know that when the heat started to come on them in Utah and Arizona, they began buying land in South Dakota. They bought 1,700 acres in Texas. They bought a couple of pieces of property in western Colorado. More recently, they have been buying several more pieces of property on the other side of the mountains in Colorado, south-central Colorado. We know Jeffs had a high-powered set of attorneys during his legal incarceration and trial. He is on trial again in Arizona. I talked in my presentation about the land going from $700,000 to $20.5 million. I was on the property a couple of months ago. Very impressive buildings there.

There seems to be endless income streams coming into the sect from all different sources, and I think that is really what needs to be investigated. There has been talk of them creating dummy corporations all around the West and laundering money through them and that needs to be looked into. That has occurred in Nevada, and I believe has occurred in Wyoming. It is one of the ways that they buy property and move money around. It is also the way that they keep this from being traced back to church leaders like Jeffs. They filter it through these corporations.

As I mentioned in here, again, there are private investigators who have looked into this. There are a number of people who should be brought forward in front of the task force who have more information, who have spent years looking into this, who can show where the money is being filtered and laundered, if it is, and that is what needs to be pursued.

Senator WHITEHOUSE. Dr. Fischer, do you have any observation on the extent of their wealth and resources?

Mr. FISCHER. Yes. Even connecting to lands being consecrated to the priested, from even back in the mid-1930s, and, in fact, Colorado City-Hildale was established by their forefathers, if you will, and all lumped into what was a "united effort" fund or trust with all of the properties held in common. This had been the case until a judge determined Warren unfit to administer the "united efforts" trust. Prior to that, Warren had men selling off parcels of these properties which I am sure helped fund many of his activities from Texas to South Dakota and the like.

There was a large ranch, for example, that was owned by the Steed family bordering Bryce Canyon, a fabulous large spread. It was a very important piece for even providing food and sustenance to poor members of the community. This was sold off, I am told, for about $8 million. I am sure these type of sales have helped him immensely.

My younger brother, Shem, who is one of the few who have gotten out, the only one of my brothers of my father's first two wives, save myself, shares how, when visiting another company in the FLDS, how the employees have not been paid for some three to four pay periods. They were invited to take vouchers in lieu of paychecks to obtain things in trade and with the direct communication to them that this would prevent the need for paying taxes.

It is important to note that Warren Jeffs with his father in the early 1990s began a systematic takeover of all the businesses in which the owners were expected to sign the ownership of their businesses over to FLDS/Jeffs leadership. This furthermore keeps many of these people in line. A sad fallout is that certainly mixing church and state is a problem, but mixing church and businesses is goofy.

And it leads me to one other factor that I failed to mention to you, Senator Hatch, on the subject of the changes. One of the most significant changes that came about occurred starting in the mid- to later 1990s in which, to our horror, it became evident that not only did this leadership now possess the ability of determining who one married but additionally had the ability to determine for how long they stayed married and what happened to them by a unilateral determination. And that is when the massive annihilation of families started in which at just a phone call, as early as 4:30 a.m. for my father's family. All were invited to the Jeffs compound. Rulon presided. My younger brother, Shem, was there. He wrote a firsthand account. If you do not mind, Mr. Chairman, I am going to read his report. I think it is important you understand that this magnitude of control will cause men, young people, and others to do whatever they are told, to work for nothing, even to generate moneys to support this prophet.

Senator WHITEHOUSE. Proceed.

Mr. FISCHER. Shem states: "On or about October 1999, the sound of the ringing telephone awoke me at about 4:30 a.m. at my Hildale home. The trembling sound of my mother, Mary Zitting Fischer, was faintly audible as she delivered the following message: 'Shem, dear, you and your family need to get dressed and meet me at Uncle Rulon's place at 5:30 a.m. this morning. I have been released from your father.'"

This means divorced.

"I have been released from your father, and it is important you attend the meeting this morning and get instructions from our prophet as to what you should do."

"There was never any indication of any problem of this magnitude with my father or our family, so such came as a total shock. Astonished by what I had just heard, I began asking questions. Mom simply said, 'Shem, be at Uncle Rulon's at 5:30 a.m.'"

"Then came the audible click of the phone followed by the dial tone. I awoke my wife and children and helped get them dressed, then made the trip up the street to Uncle Rulon's home on Utah Avenue, a few blocks away. Upon arrival, I discovered my dad's three wives assembled with many of my other brothers and sisters. They were huddled in the center of the large front room located just inside the front entrance of Rulon Jeffs's sprawling hilltop home. To my surprise, my dad was not invited, nor was he in attendance. Several of my siblings were crying, and many of my brothers were obviously torn about the situation."

"After several minutes, Warren could be seen assisting his father, Rulon Jeffs, across the room to a big overstuffed armchair. Rulon was very gray, feeble, and he was using oxygen. The room slowly grew quiet except for the occasional sound of a child's sob. Warren Jeffs began by saying our father was not worthy of his

three wives, and the time was too short for him to repent. He had lost the power of his priesthood. We needed to lift up his wives and preserve them from the destruction that would soon cover the North and South American continents. Warren went on to assure us that his father, Rulon, had prayed about this for quite some time and this was the will of God."

"All of my father's sons were admonished to support 'God's will' in this decision and to support God's prophet on the Earth at this time."

"Suddenly, Warren Jeffs was interrupted by my 8-year-old sister, Lily Ann Fischer. Sobbing profusely, Lily said, 'Is there no hope at all for my father's salvation? Can't he repent and get his family back?' Without hesitation, Warren simply said, cold and calm, 'No. The time is too short. There is no hope for your father to gain the highest degree of salvation.'"

"His voice was so very cold and direct as he continued to direct dad's family to support their actions. Warren asked all the sons to show their support by shaking hands with him and his father, Rulon, who was slumped over and drooling on himself."

"At that point, I became very conflicted with the proceedings and exited the room with my family without shaking hands with Warren and his father. The blood was cast in the water at that time, and I knew Warren would soon take action to cut me off from my family and the social community I had known for 30-plus years."

"Within 5 days, all three of my mothers were assigned to other men, one of them my biological mother"—Shem's biological mother—"and the biological sons of each mother were encouraged to drop their surname "Fischer" and take up the surname of their new father. My mother married Rulon Jeffs, who was married earlier to my two biological sisters, Mary and Ruth. My mother (Shem's) became something like Rulon's 57th wife. Rachel, Dan's mother "—myself—"was married to Dan Jessop, Senior, and Robin was married to Alan Steed, who had also previously been married to my little sister, Sarah, but was later remarried, with all the other wives of Alan's, to Dean Cook, when Alan's family was destroyed and he was sent to "repent from afar"—meaning Robin Fischer with her children were now passed on to a third man.

"My father was given 4 hours to remove his personal effects from the home he had built over a 30-year period. He was instructed to move into the upstairs unfinished space of his son Lorin's house. He was instructed to continue to provide financial support for his minor children even though he could no longer visit or associate with them."

"Things became extremely difficult for me over the next several months. Warren became extremely bold in delivering modern-day revelations by his father Rulon Jeffs. In mid-July 2000, Warren delivered a sermon at a general meeting and told the FLDS faithful to stop doing business with apostates"—apostates are those who have left—"and to remove any apostate employee from their business. As a result of this sermon, John Musser, a quality employee, was fired. I opposed this action and was eventually called to meet with Warren Jeffs and his legal advocate, Sam Barlow, to determine my fate."

"After 2 hours of frustrating discussions with Warren, he instructed Sam Barlow to remove me from the UEP property and to make sure I never again associated with any of the FLDS faithful. I was soon evicted from my home and the family business I had helped to build my entire life. I was age 40. It is a hell of a feeling to all at once discover you are in forfeit at age 40."

"I tried contacting brothers. To the few who would talk to me on the phone, I tried to explain to them my experience with Warren and that he was abnormal. This goes nowhere, obviously. I managed to talk to my father. He said that it was God's will and, furthermore"—and now we are talking November 1999—"that the end of the world was imminent, which he believed to his core."

"I said, 'Dad, Dad, please trust me. The world is going to continue after the year 2000.' He gave me evidence that it wouldn't, even citing the example of that rare"—my mind went blank, when you have not a hurricane but a spiral cloud.

Senator WHITEHOUSE. Tornado?

Mr. FISCHER. Yes, when that strange tornado went through Salt Lake and killed one of our Utah citizens. Dad claimed that that was a manifestation from God that the end was near. He claimed other manifestations.

"I said, 'Dad, how about we meet in the year 2001 and we talk about it?' He wouldn't commit. So I said: 'Dad, let's meet in the year 2002.' He wouldn't commit. so I said, 'Dad, how about we talk in 2003?' He said, 'Well, OK, maybe.'"

We never had the chance for that conversation to occur. My father put a lot of miles on his car every year in his business. He could drive 50,000 miles a year. He was known to go to sleep at the wheel. It had become family practice, if he was making trips beyond town, that an older child who had a driver's license would go and drive for him. Once he approached the home that he had built over 30 years, now occupied by Alan Steed, who had been married to his third wife, with many of her children, including older teenage sons in the house, to ask if one of his sons could come with him. In a scornful voice, he said, "Whose sons?" And he found he had to drive alone. He was in his mid-seventies.

At a stretch of the freeway between Hurricane and St. George, he plowed into one of the only deep ravines for some distance. There weren't any skid marks. Did he go to sleep? Possibly. Did he just decide to plow it in? Possibly. Do I hold Warren responsible? In either case, yes.

There have been men who have even committed suicide upon these atrocious activities. When you have the fear and the type of fear that requires you and even all around you act as though you sustain and uphold and support the prophet—and you must—because if by any sense or measure the prophet determines that you are out of sync, disobedient with his desires, you can be pulled before him. He will demand confessions, even written. He will tell the man that God has revealed to him all of the sins and that if the man's list does not match what God has revealed to him, it is a major problem.

When you have that magnitude of power over men, over families, and when you have a people who have grown up in earlier years with a fabulous work ethic, as a resourceful people, especially

growing up with values—I would not exchange the values taught from my mother's knee for anything. But when you gain control of a few thousand people who have all those values and work ethic, you can accomplish a lot—and, tragically, even when those resources are sadly misused.

Senator WHITEHOUSE. Well, I very much appreciate the testimony of all of the witnesses. The time for this hearing is actually long past, but I thought it was worth continuing it.

I thank you all very much. Each of you has engaged in acts of courage that are impressive to this Committee. We appreciate it.

The record of this hearing will remain open for 7 days if anybody wishes to add anything to these proceedings, and other than that, the hearing is adjourned.

[Whereupon, at 12:15 p.m., the Committee was adjourned.]

[Questions and answers and submissions for the record follow.]

SUBMISSIONS FOR THE RECORD

Prepared Testimony of
Texas Attorney General Greg Abbott

United States Senate Judiciary Committee
July 24, 2008

Thank you, Chairman Whitehouse and Senator Hatch for convening this hearing today. I appear here to reaffirm the benefits that can be achieved by federal and state cooperation and coordination in criminal investigations and prosecutions of crimes committed by members of the FLDS.

As this committee may know, my office is engaged in pending prosecutions of certain FLDS members. Two days ago, a grand jury in Schleicher County, Texas, returned seven indictments against six suspects. All suspects are associated with the YFZ compound near Eldorado, Texas.

Among the six suspects is Warren Jeffs, who is charged with sexually assaulting a child, a first-degree felony.

Four additional suspects are charged with sexually assaulting young girls under the age of 17. One of those suspects is also charged with felony bigamy.

A separate suspect has been indicted on three counts of failure to report child abuse.

The indictments issued this Tuesday are part of an ongoing and continuing criminal investigation.

Because these are pending charges, and because of the nature of this criminal investigation, my ability to provide details about these cases will be limited. I do, however, want to provide the committee some background information about the situation in Texas so you can better understand our perspective on how cooperation and coordination between federal and state authorities can be beneficial.

The charges issued by the grand jury earlier this week reflect a joint effort between several law enforcement agencies. The Texas Office of the Attorney General is leading the prosecution in this case, in coordination with the local district attorney, and the Texas Rangers are serving as the lead investigators. However, several other law enforcement agencies are working closely and cooperatively in this massive, multi-jurisdictional investigation.

This week's indictments reflect a cooperative effort between the Texas Attorney General's Office, Texas Department of Public Safety, the Texas Rangers, the 51st Judicial District Attorney's Office, as well as the United States Attorney for the Northern District of Texas, and the Federal Bureau of Investigation. My office has also maintained open lines of communication with the offices of Attorneys General in Arizona and Utah.

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We have seen first hand the vital importance of communication and cooperation among state and federal authorities.

The suspects in this case are part of an organization with roots in many states and three countries. To state the obvious, it is a big challenge for state authorities, acting alone, to contain or prevent criminal activity that crosses multiple state – and even national – borders.

According to press reports, Warren Jeffs ordered that the YFZ Ranch in Texas be purchased just one month after Arizona authorities prosecuted an FLDS member for an unlawful sexual relationship with a 16-year-old girl. This frames an important issue for this committee to consider—when one state enforces its law, the FLDS leaders simply move their operations to another state.

Recent press reports indicated that, after the joint crackdown by Utah and Arizona, FLDS members began moving to Southern Nevada and, of course, Texas.

When Utah's enforcement efforts convinced a federal judge to appoint a new trustee to oversee a $100 million FLDS trust, the new trustee reportedly took stock of numerous real property assets in the twin cities of Hilldale and Colorado City. And, according to the trustee, during one week alone, seven houses were abandoned by FLDS members who were presumed to have taken up residence in Texas.

As law enforcement efforts in Texas began to intensify, a *Houston Chronicle* story noted that the "vast majority" of males at the ranch "have been moved" and "gone underground." As the *Dallas Morning News* put it, Texas authorities are "up against a culture of secrecy, unlimited resources, and sect members well-schooled in the art of misleading authorities." And the *International Herald Tribune* wrote about a "network of safe houses where sect members can take refuge" and families living in a "house of hiding."

Today's *Houston Chronicle* notes that "Texas authorities will have their work cut out for them as they try to track members of a polygamist sect well-equipped to hide within a national network of safehouses and whose members, critics say, have no qualms about harboring a fugitive."

These media reports underscore a real difficulty facing state authorities. This group moves seamlessly from state to state, location to location and has the infrastructure necessary to thwart law enforcement. Even Warren Jeffs, who has achieved international notoriety, managed to hide from authorities for over a year—and he was on the FBI's most wanted list.

This leads me to two very important points:

First, if individuals are charged with crimes, and if those individuals flee the jurisdiction by the time those charges are filed, state authorities could benefit from help by the FBI,

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the U.S. Marshals, and U.S. Attorneys across the country in locating and arresting those individuals and returning them to the right jurisdiction to stand trial. Assistance and cooperation from federal officials can help ensure these suspects stand trial for the crimes with which they are charged.

Second, and from a bigger picture perspective, we have seen that the FLDS is highly mobile and willing to move from one location to the next in an apparent effort to avoid state authorities. Thus it is critical that federal authorities focus on the FLDS, and devote the resources necessary to prosecute criminal wrongdoing that is uncovered—whether the evidence leads to Texas, Nevada, Arizona, Utah, or somewhere else. A comprehensive federal response should minimize – if not eliminate – the possibility that persons within FLDS who may be predisposed to commit polygamy, or other crimes, will simply move their operations to another location, because of law enforcement action in their current location.

Although many of the alleged crimes associated with FLDS are state crimes that warrant attention by state officials, there are at least two reasons why federal authorities should get involved.

First, there are multiple potential federal crimes that federal authorities could pursue. Second, by depending exclusively on state authorities, certain criminal activity may—or may not—be investigated and prosecuted because of the FLDS's ability – or attempt – to control governmental activity where their community is located and, consequently, suppress law enforcement activities.

I'll explain the second point first. As I understand it, Hilldale, Utah and Colorado City, Arizona operated as autonomous regions for decades with little or no oversight from state or federal authorities. FLDS reportedly owned 85% of the land in the two towns and FLDS leaders allegedly controlled everything from the town council, to the police department, the fire district, the local electrical utility, and school district.

That was the case until General Goddard and General Shurtleff took action to enforce the law in those long-ignored areas and disentangle the FLDS from the local government. In Arizona, for example, General Goddard charged a school district official with gross financial mismanagement and asked that the district be placed in receivership. Among the misuses of taxpayer money was the purchase of a $200,000 airplane. Additionally, the school district executed and later terminated a real estate lease with an FLDS-controlled trust that cost the taxpayers $190,000 in prepaid rent.

These abuses occurred because local authorities under the FLDS's control apparently looked the other way—which is why Arizona authorities had to decommission six peace officers.

A close look at Schleicher County, Texas, where the YFZ Ranch is located, shows that it lies in a sparsely populated rural area where the FLDS could similarly take control in a

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way that would allow them to evade law enforcement. Only 698 citizens voted in that county during the November 2006 election.

Second, although the alleged criminal conduct currently being prosecuted by our office involves crimes that traditionally fall within state authorities' purview, there are important issues for federal prosecutors to consider. Given the nature of the FLDS, and the nature of the crimes that may have been committed, there are a number of areas in which cooperation and coordination could be particularly effective. Without listing them all, the following are some of the more important from my viewpoint.

Consideration should be given to the full application of federal laws, such as the Mann Act, to prosecute crimes committed against underage girls born or placed into the FLDS, as part of the systematic victimization of young women within the sect. Such victimization of young women involves elements of both human trafficking and domestic violence and abuse – two areas which the Department of Justice has committed itself to combating across the country.

Consideration should also be given to the full application of federal laws to investigate potential white-collar crimes by FLDS members and their leadership – activity that spans state borders and which federal law enforcement is experienced and qualified to evaluate and prosecute.

There should be cooperation and coordination among state and federal law enforcement on the collection, review, evaluation and sharing of evidence that has been gathered throughout the states and by the federal government.

Cooperation and coordination are also needed to ensure that if FLDS members are charged with crimes, federal and state resources will be dedicated to locating and arresting those defendants.

Finally, I will mention that cooperation and coordination is warranted to assist the victims of crimes by FLDS members, including those victims who have been subjected to sexual or other abuse.

These are just a few ideas for the committee to consider. This committee and the Department of Justice can be assured that the State of Texas will continue to work closely and cooperatively with federal authorities to hold accountable those who have broken the law. I can also assure the Committee that there has already been a good deal of cooperation and coordination among state and federal law enforcement officials in Texas.

It is my hope that the Committee's hearing today will serve as a step forward in efforts to ensure that detection and prosecution of crimes by FLDS members will span the divides of geographical borders and will employ the full force of both state and federal law.

Thank you.

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Department of Justice

STATEMENT OF

GREGORY A. BROWER
UNITED STATES ATTORNEY
DISTRICT OF NEVADA
UNITED STATES DEPARTMENT OF JUSTICE

BEFORE THE

UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY

CONCERNING

"CRIMES ASSOCIATED WITH POLYGAMY: THE NEED FOR A COORDINATED STATE AND FEDERAL RESPONSE"

PRESENTED

JULY 24, 2008

Chairman Leahy, Ranking Member Specter, and Members of the Committee, I am Greg Brower, United States Attorney for the District of Nevada. My colleague Brett Tolman, United States Attorney for the District of Utah, and I are very pleased to appear before you today to provide the perspective of the Department of Justice and federal law enforcement in working with issues arising from polygamist communities. My testimony will provide an overview of the tools and resources available to federal law enforcement to address these issues. Mr. Tolman will follow with more detailed information regarding specific efforts being made, primarily in his State and district.

At the outset, let me emphasize what I am sure is already obvious. As federal prosecutors, our oath is to support and defend the Constitution. The very first right enshrined in the Bill of Rights is the right to the free exercise of religion. The United States Department of Justice (the Department) does not target anyone for criminal investigation or prosecution – whether individuals or groups – based on their religious beliefs.

The Department's mission is to target federal criminal conduct wherever it occurs, regardless of the religious beliefs of the criminal, if any. The seminal Supreme Court case on the interplay between laws of general application and the Free Exercise clause was Employment Division of Oregon v. Smith, 494 U.S. 872 (1990). That decision rightly held that when a law is of general application and not targeted at a particular religious practice, the Free Exercise Clause is not implicated, even if the incidental effect of the law is to affect some people's practice of their religion. The issue of polygamy illustrates this point. The practice is illegal in all 50 states, regardless of whether a defendant enters a plural marriage for religious reasons or otherwise.

And with respect to the practice of polygamy itself, I should emphasize that it is usually a matter of State criminal law, and not federal law. Over the history of our country, the laws

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defining and defending the institution of marriage have been by design within the province of the states. Polygamy is illegal in all 50 states because of the individual criminal codes of the 50 states, and not because of any federal criminal provision. The Model Penal Code section 230.1 defines the third-degree felony of polygamy as cohabitating with more than one spouse at a time in purported exercise of the right of plural marriage. While polygamy is a State crime, the Department embraces partnerships with State and local law enforcement through information sharing, coordination, and other types of assistance, and will investigate and prosecute federal violations where possible. Thus, ultimately, the role of federal law enforcement in dealing with issues relating to polygamist communities is the same role as in any other context – to investigate and prosecute federal crimes when they occur, again.

Numerous federal laws are potentially implicated by the conduct in which some members of polygamist communities engage, and federal authorities stand ready to investigate and prosecute as circumstances warrant. Title 26 tax crimes are investigated by the Internal Revenue Service (IRS) Criminal Investigations and prosecuted by the United States Attorney's Offices and the Department's Tax Division. The Federal Bureau of Investigation (FBI) has responsibility for investigating a host of other white collar offenses, such as mail, wire, and financial institution fraud, fraud involving federal programs, false claims cases, health care fraud, and computer crimes. The United States Secret Service has broad authority to investigate identity theft and credit card fraud. The United States Postal Inspection Service investigates crimes involving the mails. The United States Marshals Service has and will continue to aid these cases by tracking and capturing fugitives as necessary.

The FBI and the Bureau of Alcohol, Tobacco, Firearms, and Explosives have broad authority to investigate violent federal crimes, including crimes involving weapons and

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explosives. The FBI also has jurisdiction over federal criminal civil rights violations. Indeed it is a felony to interfere with another's free exercise of religion by force or threats of force, under 18 U.S.C. § 247. That section also covers attacks on churches or other religious property. Finally, federal criminal law provides for substantial penalties for arson, and for threats communicated by mail, telephone, or Internet.

In addition to the laws noted above, I should also emphasize that federal criminal law affords very powerful tools to deal with sexual predators of children, including underage girls. Title 18, United States Code, Section 2422(b), makes it a felony for a defendant to use the mail or a facility of interstate or foreign commerce, such as telephone lines or the Internet, to lure a child under age 18 to engage in criminal sexual activity. Transporting a child across State lines for the same purpose is also illegal under 18 U.S.C. § 2423(a). Both crimes carry a ten year mandatory minimum sentence, but they are punishable up to life imprisonment. Even using the Internet or other means of interstate communication to transmit identifying information about a young child (for example, name, address, telephone number, e-mail address) for sexual purposes is illegal under 18 U.S.C. § 2425. That crime carries a potential five year penalty.

The Department is deeply committed to the fight against crimes against children, working constantly with federal, state, and local prosecutors and law enforcement offices to increase the investigation and prosecution of all crimes against children. To further this goal, in 2006 the Department developed Project Safe Childhood. As but one of many examples of a typical Project Safe Childhood case, consider the story of Sonny Szeto, who my colleagues in the United States Attorney's Office for the District of Connecticut prosecuted this past year. Szeto was a 23-year-old who lived in New Hampshire and liked to lurk around on the popular Web site MySpace.com trying to meet young girls. In 2006, he succeeded. He met an 11-year-old

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Connecticut girl online and struck up a relationship with her, slowly manipulating her and building her trust. Using that foundation, he traveled to Connecticut and persuaded her to have illicit sexual relations with him. A search warrant was later executed on Szeto's home computer, and hundreds of images of child pornography were found. The judge in Connecticut sentenced Szeto to 168 months for using the Internet to persuade the girl to engage in sexual activity, and 120 months for possessing child pornography.

The Szeto case is a model of how the Department's Project Safe Childhood efforts are working nationwide. The case involved highly effective teamwork at all levels of government. The case was investigated by the Connecticut Computer Crimes Task Force and also the FBI, and then prosecuted by the United States Attorney's Office. This is the strategic goal of Project Safe Childhood – to maximize the number of leads generated and investigated by federal, State, and local law enforcement, and then funnel those cases as appropriate to federal prosecution, where federal nationwide investigative tools can be employed and federal felony mandatory minimum sentences can be sought. These prosecutions serve the twin ends of removing individual predators like Szeto from free society where they have access to children and deterring other would-be predators.

In summary, to the extent that the members of polygamist communities are committing federal crimes, whether "white collar" frauds or crimes against children, the Department is committed to working with State and local law enforcement authorities in the relevant jurisdictions to ensure that those crimes are aggressively investigated and prosecuted.

I will now turn it over my colleague from Utah, U.S. Attorney Brett Tolman, who will discuss more specific efforts undertaken by the Department.

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Testimony of Dr Dan Fischer before Senate Judiciary Committee on July 24, 2008

Chairman and Members of the Committee, my name is Dan Fischer.

- I was born a third generation Polygamous Mormon. I grew up in the FLDS society. My wife was born fifth generation polygamous Mormon going back to when mainstream LDS were practicing polygamy. My father had three wives. I am or was the oldest of 36 children. At one time I had three wives.
- My grandfather spent 3 years in the Utah State Penitentiary for Polygamy. He had seven wives, and was the "prophet" of the precursor to current FLDS society in the late forties and early fifties (or at least was "prophet" until the last two leaders re-wrote the history in the late eighties).
- I was born and raised in this society complete with my path in life being determined by the leadership. I was raised according to FLDS doctrine. I lived the changes in the doctrines during the 50s to the mid-90s and have observed the changes since.
- My three wives were all married to me "by appointment", as instructed by the FLDS leadership. Today, I'm monogamous and married to the second wife the leadership assigned me in 1973. We have been married 35 years this month. I had the very rare opportunity to obtain a college education in the sixties and seventies, graduating as a dentist in 1974. This was virtually unheard of then, as it is now.
- While I left the FLDS twelve years ago. I've witnessed for 50 years the pivotal changes that brought FLDS to what it is today.
- I am a cofounder with Micha Barach of The Diversity Foundation. Over the last four years, the foundation has been significantly engaged in helping about 230 expelled FLDS young people, most of them male. Most expenditures are for necessary psychological counseling, financial assistance, employment, housing and importantly, education. Some support has been allocated to fund legal civil action for a few of the boys. Generally, such legal actions are not undertaken to enrich the individual plaintiffs. For example, a pending case was filed for the purpose of generating a fund to help mothers with their children who need assistance upon leaving the FLDS.

When I travel across America and to international destinations, should the subject of FLDS and polygamy arise, the first expression is disbelief. How could this be occurring in America in the 21st century? The truth is much stranger and problematic than just the "novelty" of polygamy. Indeed, were several women and only one man decide to set up housekeeping in this day and

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age, one would think that it should hardly be worth comment, when lifestyles previously considered unusual, exotic or even deviant, are finding their place in a more open and tolerant America. However, the polygamy I'm here to talk about is for more than just unusual housekeeping arrangements. Reality: The problems caused by the FLDS leadership are unacceptable whether they were polygamous or monogamous. Too often wrongful actions occur under the smoke screen of polygamy or "religious freedom". Unfortunately, FDLS polygamy has degenerated to a cult that is far from benign. Today, it is a society with absolute rule over the lives and thought of individuals and families; a society at odds with the laws that govern outsiders including "apostates" like myself and – "gentiles" such as all of you. That being said, many of these people are good caring human beings, at least amongst themselves.

While you'll probably gather important information related to tax fraud and welfare fraud, there are probably some who pay their taxes fairly and for sure there are some who are eligible for welfare and should be the recipients of its benefits. Furthermore, there are some destitute families who truly need welfare assistance and who are probably entitled to it. The fraud subject will probably tie to men who can provide economically for all their families but choose not to do so with the convenience of non-recorded "spiritual wives" and children versus "legal wives" and their children. And yes, the under-reporting of income as per tax fraud may connect to this subject as well.

There isn't time here today for me to share all the history that has occurred over the last two centuries which have spawned into the realities of the FLDS today. I have included what I believe to be a simple "milestone" timeline with approximate dates in my written report to help you better understand how the FLDS of today have evolved step-wise over more than a century. Understanding the history can be so important for so many reasons including decision making ones. What was once something that might have been termed a benign alternative lifestyle and/or religion has become a society which operates as a law unto itself as much as it possibly can.

It would be a mistake to assume that FLDS people are not intelligent and/or less than actively engaged in life. In fact, many FLDS are very intelligent and hard working. Many are very proficient with modern technology even sophisticated surveillance and the like. For example, in 2005, the former special investigator for the Utah Attorney General's office of Utah, Ron Barton shared with me that approximately $600,000 had been granted to the FLDS Colorado City police by the Federal Government under provisions of the new Homeland Security program to attain sophisticated surveillance equipment. There is good reason to believe they have learned to use it for multiple purposes.

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Family members are continually taught to separate themselves in every way from apostates/traitors and even taught by their prophet Warren Jeffs to do "...severely", meaning in strong absolute ways. FLDS members are beyond family level loyal; they are "exaltation "level loyal. They are taught that they are God's chosen few. The children are born "covenant "children, held back until the last days to usher in the millennial reign complete with God's destruction of all of North America, save the worthy of FLDS. The FLDS feel that they are a suppressed and persecuted people. They have banded together in a virtual "underground" way characteristic with what occurs when leadership of any society takes total control of both spiritual and temporal life. They along with their children have been raised as "calves in the stall" for many decades, being taught principally just what the master wants them to know. Their prophet is as their God. Whatever he says takes precedent over any previous scripture of any previous century. It can also take precedent over the laws of the United States.

Certainly, we in the United States all have and respect religious freedom, but the all encompassing control over mind, person, family, economics and more, exercised under the guise of religion, has moved FLDS to disturbing cult level proportions. Without question, FLDS members will sacrifice self, family and children if directed to by their leader. Their "salvation" as taught by their prophet is dependent on them obeying totally what their prophet requests no matter what! Even the freedom to travel by self determination or even to purchase automobiles or other items of lower value has been taken over by the leadership. For decades, home ownership and/or occupancy has been controlled by the leaders. Over the last 10 years, businesses have been controlled by leadership. The hiring or firing of employees especially as it relates to non-believers especially apostates, is almost always determined by the FLDS leadership. Who one is married to and when (including underage marriage) is totally under the control of FLDS leadership. If a young woman refuses to marry a man the prophet tells her to, she comes under extreme pressure. And, if she chooses someone on her own, she will be branded with, in essence, the "scarlet letter". If a young man shows interest in a girl, he is "kicked out of town". Regardless the reason a boy is expelled, the directive falls under the control of the leadership.

There are several other examples of disturbing proportions, some of which are included in a press conference speech I gave on the steps of the Utah State Capitol four years ago with about 70 FLDS "lost boys" and our Utah Attorney General, Mark Shurtleff. A copy of the speech, along with several affidavits from boys relative to the abuses they endured from FLDS police officers in the Twin City community or from others including the FLDS leadership, are included in my written testimony for the record. The very high level of control over most every aspect of an individual's life, from the cradle to the grave, including not only spiritual but temporal needs complete with the position of limiting formal education significantly keeps these people in a

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condition of doubt, distrust and in several respects, virtually at the level of the people who lived during the middle ages complete with virtual forced confessions from "religious"/temporal leadership. There are many striking similarities that cause one to see FLDS leadership as "The Taliban of America".

To FLDS, the laws of the United States tend to be seen as irrelevant or merely obstacles to get around. The former prophet, Rulon Jeffs, was a Certified Public Accountant. Rulon, along with his sons Warren and LeRoy, prepared my income tax returns in my younger years. It was standard procedure for "spiritual wives" to list themselves as the "head of household" on their income tax returns for the benefit of the tax credit. I've heard this practice continues today with the FLDS and even some other polygamous societies. In more recent years, the FLDS have moved to extreme tactics to "bleed the beast", namely the US government and American businesses in general. Some men and businesses will even take out bankruptcy so to funnel more monies to the benefit of the leadership. I believe others following me will reveal more on this type of activity. For sure, all governments and particularly the Federal government are looked at with extreme suspicion. The FLDS believe these governments must topple in the near future. The level of extremism in the FLDS that has brought this type of thinking about did not occur even as recent as 15 years ago. Milestone events of particularly the last five decades have set the stage for what is occurring currently in FLDS.

Warren Jeffs has been known to recommend the book: *The Third Reich*. Warren has had objectionable school books destroyed. Not unlike the environment in Nazi Germany, Jeffs encourages young people to tell on the wrongs of their parents, siblings and friends. Substantial attempts are made to limit young people's exposure to much of the education America has deemed so important for centuries. Public education ended for the FLDS upon the demand of Jeffs in 1998. Immediately, over 1200 children lost a quality education! The parents of over 1200 students were told to take their children out of the public school system even though more than half of the administrators and teachers were FLDS. This crippled the school system as FLDS teachers, administrators, school board and the like continued on the public payroll, while refusing to interact more than necessary with the very few remaining "apostate" or "gentile" students.

Probably one of the greatest atrocities Warren Jeffs has brought upon the FLDS has been the decimation of families. Since around 1998, about two hundred and fifty married men of all ages and some with multiple wives, children and grandchildren (even great grandchildren) have been expelled. They are instructed to "repent from afar". The men are virtually erased from the history and existence to their families. Wives are remarried taking their children with them.

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For the children, their "old father" is no longer their father. This can happen literally overnight with no warning.

Warren Jeffs requires of these unfortunate men a written confession before or after their departure of any wrongs they may have committed regardless of how many years previous such may have occurred. The instruction is "God has revealed to me the wrongs you have done; hence your list needs to match with mine". It is believed that this has even caused many men to confess of wrongs they haven't done simply to try and retain a relationship with their families or society. These men are now scattered all across America. Most still support the prophet economically. Their wives with their respective children are usually married to other men often within days. These very young and older women with their children or often moved to the home of the new man's family but still in the same town. Others may be spread to multiple states or Canada. Wives will not object. They have been taught even by their own husband for years that obedience to the prophet must supersede even their love or devotion to him. Many of these wives and married children are instructed to change their last names to that of the new father. This destroys a family, a heritage, a lineage, and the basic glue that holds a society together. This plus being cut off from family and community often contributes to much of the post traumatic syndrome issues of our Utah "Lost Boys"

In 1999, my family was destroyed by Jeffs. I'm going to read to you how this occurred from a statement of my brother Shem who was present: Read statement.

I managed to talk once to my father about this atrocity, puzzled as I was regarding how he could "consent" to such treatment and the annihilation of our family. I realized once again the level of "brainwashing" he was subjected to. For about 15 years prior to the year 2000, "prophecies" from the pulpit by Rulon and Warren claimed the end of the world would occur at the year 2000. This is another one of the extreme examples of tactics that hold the people in fear, even down to the little children. My father believed the end of the world prophecy to his core. I told him such wouldn't happen. He tried to persuade me it would. I pleaded with him to talk with me by the year two thousand and one should he realize the end didn't come. He wouldn't commit. When it moved to the year 2002, he still couldn't commit. When it moved to the year 2003, he finally said, we'll ok, maybe. It struck me how complete his conditioning was.

In his business, my father could put 100,000 miles on a car in one to two years. Historically, he'd been known to fall asleep at the wheel. Because of this and with him then in his mid-seventies and prior to the destruction of our family, an older child would usually drive him. After his family was taken from him, he was even scourned when going to the house to ask if one of his older children could drive him. For my father, his saga ended in February of 2002.

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He died while driving himself in the middle of the day to Saint George Utah some 35 miles from Shortcreek; my father's car plunged into the only ravine for some distance in either direction. There were no skid marks. Did he go to sleep? Possibly. Did he simply decide to "plow it in"? Possibly. Regardless which is the case, do I hold Warren and his sick extremism responsible? I do.

The most tragic atrocity caused by the current FLDS leadership relates to children. I've often said: "Keep your eye on the ball and the ball is the children". We know what can occur in the mind of a young child when they are involved in even a typical divorce in which there is a presiding judge who has the duty of determining what is in the best interest for the child. Who looks out for the children when FLDS families are destroyed on the order of Jeffs?

Even in the best of cases, children of multiple ages often take the guilt onto themselves. They have nightmares and often require the best counseling available. Even I, at age 50 when my family was destroyed, would wake up with nightmares for over a year. I literally felt as if I'd just become an orphan at age 50 (and, even though cut off from family for some time, when all at once you come to realize they don't exist as "your family" complete with the memories, heritage, name and the like, it is traumatic) . Imagine what must go through the mind of a child who doesn't have a chance to understand what I can, namely that their parent's leader is the one causing this and that he is a fanatic. Imagine the horror and terror that must occur in their tender minds when they wake up one day to the realization that their father is no longer their father; that they will not be hugging him, talking to him or even interacting with him ever again. And, then imagine what must be going through their young minds as they discover their mother is married within days to another man who is then kissing and making babies with her. Imagine the scaring that will continue in that young mind for a lifetime. Imagine future generations being married brother to sister and in some cases not even knowing they are brother and sister and hence, because of the obsence atrocity of a sick leadership, human gene pools become scrambled with all the tragic and even hideous fallout thereof.

The instant and spontaneous mandate of divorce and re-marriage is just one example effecting lives of families and individuals when due process of law can be circumvented. No court intervention is sought or even a court notified even if original marriages were performed in the legal sense. A goofy leader operating under a smoke screen of "religious freedom" can become a total dictator in both the spiritual and temporal sense even or especially in America. Our founding and later "fathers" of our nation could readily see the need to protect against the destruction even annihilation of a human's life. I don't think they ever imagined the need for laws to protect against the destruction, even annihilation of families by third parties with routes outside of existing law. Civil routes enable family members to challenge these third parties via

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"alienation of affection". In cases like I'm describing here via FLDS leadership and society, no child or former spouse will ever bring themselves to even think of challenging this via a civil legal case.

We believe this atrocity has harmed in excess of one thousand American children. For some this has occurred multiple times with them drug "family" to "family" and potentially spread over multiple states. I believe this ongoing atrocity has and will continue to increase the likelihood of additional child abuse of multiple dimensions. One of our esteemed Senators, Hubert Humphrey, said something to the effect: You can measure the quality of a society by the level of importance they put on protecting their most vulnerable citizens. No Americans are more vulnerable and more precious than our children. This subject is very important to our Diversity Foundation.

The Diversity Foundation was founded about ten years ago. It was founded for the purpose of furthering a better understanding with America's youth of the value of diverse races, religions and backgrounds. For the last four years it has been substantially engaged in helping young men who have been expelled or left the FLDS society. This weaning of the flock of males continues even though the boys may try to return home, and even when a court order attempts to send them home. This is the case in spite of many prominent FLDS claiming there are no "lost boys", but only rebellious boys as found in other societies. Included in my submission are short audio clips of Jeffs teaching young people how and for whom the prophet decides to "kick out of town". Diversity's greatest expenditures with the castaway young men are for education and psychological counseling. Imagine the challenge that exists for a thirteen year old who must make it on his own. Imagine the challenge that occurs for a 20 year old who can neither read or write and/or doesn't even know multiplication tables -- someone who was kept out of school to work in heavy construction at a very young age, their earnings going to family or FLDS leadership. Sadly, some of these young boys have even died in accidents on construction sites.

In a cloistered polygamous society, simple math and biology tells us some boys must either become bachelors for life or leave. There are pretty close to fifty boy babies born for every fifty girl babies born. More recently, a few young girls have come out. Counter to Jeff's view of boys as expendable, FLDS characteristically fight hard to keep their girls. Many years of expelling free spirits plus downgrading and preventing education ultimately rapes a society. Hitler and Stalin killed their self thinkers and intellectuals. Jeffs prevents or expels them.

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I value our religious freedoms. However, claims of freedom of religion should not be allowed to blind us to the many illegal and unconscionable activities of FLDS leadership. I invite Congress to take appropriate measures to protect all innocent parties but especially children. As was once said, "Doing the right thing is not always easy but it's always the 'right thing".

Thank you

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The Destruction of the Fischer family by the FLDS Prophet

I was born on May 31, 1968 in Sandy Utah. My parents are Mary Zitting Fischer and Erwin Fischer. Our family also included Mary's older sister Rachel Fischer. On or about October 1968 Dad and his two wives moved to Hildale Utah. His lifelong mission was spent building industry to support the FLDS communities of Hildale and Colorado City. Dad married a third wife Robbyn Fischer who was just older than I. As close as I can recollect dad's family exceeded 36 brothers and sisters.

On or about October 1999 the sound of a ringing telephone awoke me at about 4:30 a.m. at my Hildale home. The trembling sound of my mother (Mary Zitting Fischer) was faintly audible as she delivered the following message. "Shem dear, you and your family need to get dressed and meet me at Uncle Rulon's place at 5:30 am this morning." "I have been released from your father and it is important you attend the meeting this morning and get instructions from our prophet as to what you should do." There was never any indication of any problem of this magnitude with my father or our family so such came as a total shock.

Astonished by what I had just heard, I began asking question. Mom simply said, "Shem be at Uncle Rulon's at 5:30 am" then came the audible click of the phone followed by the dial tone. I awoke my wife and children and helped get them dressed then made the trip up the street to Uncle Rulon's home on Utah Avenue a few blocks away. Upon arrival I discovered my Dad's three wives assembled with many of my other brothers and sisters. They were huddled in the center of the large front room located just inside the front entrance of Rulon Jeff's sprawling hilltop home. To my surprise, my dad was not invited nor was he in attendance. Several of my siblings were crying and many of my brothers were obviously torn about the situation.

After several minutes, Warren Jeffs could be seen assisting his father Rulon Jeffs across the room to a big overstuffed arm chair. Rulon was very gray, feeble and he was using oxygen. The room slowly grew quiet with the occasional sound of a child's sob. Warren Jeffs began by saying our father was not worthy of his three wives and the time was too short for him to repent. He had lost the power of the priesthood. We needed to lift up his wives and preserve them from the destructions that would soon cover the North and South American continents. Warren went on to assure us that his father Rulon had prayed about this for quite some time and this was the will of God. All of my father's sons were admonished to support "God's" will in this decision and to support God's prophet on the earth at this time.

Suddenly Warren Jeffs was interrupted by my eight year old sister Lilly Ann Fischer. Sobbing profusely Lilly said "is there no hope at all for my father's salvation, can't he repent and get his family back"? Without hesitation Warren simply said "NO THE TIME IS TO SHORT, THERE IS NO HOPE FOR YOUR FATHER TO GAIN THE HIGHEST DEGREE OF SALVATION". His voice was very cold and direct as he continued to direct dad's family to support their actions. Warren asked all the sons to show their support by shaking hands with him and his father Rulon who was slumped over and drooling on himself. At that point, I became very conflicted with the proceedings and exited the room with my family without shaking hands with Warren and his father. The blood was cast in the water at that point and I knew Warren would soon take action to cut me off from my family and the society/community I had known for 30 plus years.

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Within five days, all three of my mothers were assigned to other men and the biological sons of each mother were encouraged to drop their sir name "Fischer" and take up the sir name of their new dad/father. My mom married Rulon Jeffs who was married to my two biological sisters Mary and Ruth. My mother became something like his 57th wife. Rachel, Dan's mother, was married to Dan Jessop Sr. and Robbyn was married to Alan Steed who had also previously been married to my little sister Sara but was later remarried to Dean Cook when Alan's family was destroyed and he was sent to "repent from afar". My father was given four hours to remove his personal effects from the home he'd built over a thirty year period. He was instructed to move into the upstairs unfinished space of his son Lorin's house. He was instructed to continue to provide financial support for his minor children even though he could no longer visit or associate with them.

Things became extremely difficult for me over the next several months. Warren became extremely bold in delivering modern day revelations via his father Rulon Jeffs. In mid July 2000 Warren delivered a sermon in a general meeting and told the FLDS faithful to stop doing business with apostates and to remove any apostate employees from their businesses. As a result of this sermon, John Musser (an apostate) was fired. I opposed this action and was eventually called to meet with Warren Jeffs and his legal advocate Sam Barlow to determine my faith. After two hours of frustrating discussions with Warren he instructed Sam Barlow to remove me from UEP Property and to make sure I never again associated with any of the FLDS faithful. I was soon evicted from my home and the family business I had helped to build my entire life.

Shem Fischer

Shem Fischer

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Speech of Dr. Dan Fischer delivered on Utah Capitol steps, July 31st 2004

What do Americans treasure most? What do they value most. At the top of the list would be

Freedom

Children

Family

For the people of the Fundamentalist Church of Jesus Christ of Latter Day Saints, known as the FLDS, a polygamous sect located chiefly in the border towns of Colorado City Ariz and Hildale Utah, all three of these most important treasures have been substantially put at risk or lost in total. The FLDS leadership and some of it's members have become un-American. The leadership has become a tyrannical, virtual Taliban like leadership. The children suffer the most.

Hundreds of boys, 13 and above, have been expelled from this society at the demand of its fanatical "prophet" leader Warren Jeffs. You see before you a small representation of these boys who have been thus abused. We have been able to make verbal contact with about 110 such boys over the last 6 weeks. We have names of about 400 total. We believe there are between 600 and 800 who have been abused over the last few years. All have been robbed of a high school education. Most have had no more than a grade school education. None have been able to even dream of college. Many were expelled; many simply were discouraged out. They have been forced to provide for themselves in whatever way they could, and with the knowledge that they can not come back to see brothers, sisters, mothers and fathers. The big issue is not polygamy. The big issue is child abuse. And in fact "freedom of religion"/ polygamy too often becomes a smokescreen which deflects attention from the extreme problems of this FLDS society. Children born in America have highly valued rights and established by founding and succeeding forefathers. These children are Americans. They are not possessions and as such, every American has the obligation to look out for the rights of children.

It takes courage for these boys to stand before you today. Why? Many feel their mothers are victims also. They pain to think that by simply standing before you today, they cause their mothers to cry again and because of them. They realize however, that if their younger brothers and sisters are to have any chance at the great freedoms America offers, they must make a stand.

What type of conditions can be so obscene so as to cause a boy (or girl for that matter) to have to leave home, family and roots knowing they can never return? Well, many were expelled by simply talking to a girl. This leadership controls all the marriages. Its leaders can have from several to beyond 70 wives. Many other extreme controls prevail however. Fear, domination and intimidation are the rule. In fact, polygamy can cloud

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many of the extreme issues, issues which would be atrocities in any society be it monogamist of polygamist. Some of the extreme tactics include:

Fear of the end/destruction of the world. Such was to occur several times between the year 2000 and now. For children, a "bright vision of future" is destroyed.

Fear of families being destroyed and rearranged. There have been about 170 families destroyed by Warren between 1998 and now. At least six have been destroyed within the last month. This affected another 120-150 children. A father is told he is unworthy and told to remove himself from the society and town. The wives and children are given new husbands and fathers, often within days. A child wakes one day to discover they have a new father, new last name, new "brothers and sisters", new additional "mothers" and in a different house. There is no "due process". There is no duly appointed judge representing the laws of America and determining "what is in the best interest of the child".

FLDS leadership and/or its trust, the United Effort Plan (UEP) owns all the property including all the homes and the businesses.

The city police act on and for the leadership

Television and movies are outlawed. Sports are outlawed. Colors and design of dress are dictated; hair styles are dictated. All are to wear long underwear from wrist to ankles and even in the extremes of heat. This requirement begins when a child has completed potty training. Children are raised brainwashed from birth in a methodology that FLDS refer to as "calves in the stall". Monotone "sermons" of Warren Jeffs are played hour on end by most families daily. The education of the children occurs in the private schools and is geared to support the brainwashing of the FLDS leadership. World and American history as we grew up with are non existent. Most of the sciences are outlawed. Racism flourishes as children are taught that God ordained Blacks to be slaves and that Jews were meant to be punished for killing the Savior. Girls are married at an early age. Boys are put to work in construction and like jobs at very young ages. Some of died while on these jobs. Laughter is banned or frowned upon.

The people are taught that the prophet is as God. He can make no mistakes. He is not to be questioned. Absolute obedience is required. He has taught that all of North America will be destroyed save those few who show total obedience to him. The society has been taught to "bleed the beast", the government, so to fulfill its own ends. Even so, the common member must work long hours to simply meet the money demands of the leadership.

The concept of "blood atonement" appears to be taught more and more, each year.

The most wicked of human to FLDS and their leadership is the "apostate". These are those who leave the sect thus "breaking their covenants". Such are considered worse than dead. These boys standing before you are labeled "apostates". I'm an "apostate".

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Fortunately for me, I was raised years back when education, especially college education, wasn't considered as evil.

The FLDS have evolved over the years so to have many striking similarities to the Taliban. We address such scary challenges to liberty when they occur beyond our borders. We must pay attention to such challenges within our borders.

We are determined to fight for the rights of these boys. A caring and hard working attorney from Washington DC is fighting for these boys. Her name is JoAnne Suder (have JoAnne stand up). Another local one is aiding this cause, his name is Pat Shea. (Have Pat stand up).

These boys need America's help. These boys need Dads. This concept was originated by JoAnne. I've come to love Americans. I know my fellow Americans to be the most caring and generous humans on earth. I believe there are quality men in America who would love to be "dads" to these boys and, maybe in the future, should FLDS leadership be brought to justice, some biological fathers might feel it safe, to once again discover the value of parental responsibility.

Support and safety of these boys is important. We invite you to contribute to this noble cause. We have a toll free number through our charitable trust, "Smiles for Diversity" for handling contributions. Said contributions will be used for these boys, not for administrative costs of the trust.

I'm so proud of some Americans who have already volunteered to be a "dad". Our Attorney General for the State of Utah, Mike Leavitt has volunteered to be a dad. (Have Mike stand up). Jon Krakaver, the author and Mt Everest champion has volunteered to be a dad. (Have John stand up) Others who have already volunteered include .....

I would at this time like to hear a few words on this subject from our Attorney General Mike Leavitt followed by Mr. Jon Krakaver.

We need to discuss when we have a couple boys speak. Maybe midway of presentation in this. Before last speakers. ??

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Over the time I have been looking into the abuses and atrocities that have been taking place within the FLDS the ones that are the most disturbing, of course, are the crimes against children. The society has been set up and established expressly for the purpose of carrying on the illegal tradition of joining multiple women to a single man for the purposes of conducting sexual interaction between the participating individuals. That is really the long and short of it. The central tenant of the FLDS Church is to keep the archaic concept of polygamy alive, and in order to do that it is necessary to have a disproportionate ratio of female partners available for distribution to its male adherents. The illegal tenant that the FLDS adhere to is the catalyst for all the other illegal activities of the FLDS Church. It's not that polygamy is a horrible crime in and of itself, it's the other crimes that were and are committed in order to cover it up and support it.

The analogy with the Italian Mafia is a great illustration of the same type of organization. The mob was formed during prohibition because there was a segment of the US population that felt that the government was wrong about taking away their right to have a drink. In much the same way, FLDS adherents believe that when laws were passed that made polygamy illegal, they were not going to allow themselves to be governed by a law that didn't suit their desires. In both cases, the original illegal practices of taking multiple wives and taking a drink precipitated all the other illegal actions that both organizations are now infamous for. In the case of the mob, other illegal practices such as the protection rackets, extortion, high level corruption, blackmail, violence, etc., were all practices that came about in order to further the efforts of the perceived right to have a drink. The fact is that the mob had an interest and agenda in doing so (money and power). Identically, so do the FLDS under the direction of Warren Jeffs and other church leaders.

When the mob has a dissident or a threat arise, a typical response is to put out a "hit" on that person and have them eliminated. The FLDS have become a little more sophisticated in their response. Warren has been able to figure out that not only can he eliminate the threat but also leave the perception that the whole thing isn't his doing but is done by a higher authority. He has refined his "hits" to such a fine art that he is able to preserve and obtain all the "deceased's" assets including his wives and children and, most importantly, his daughters and exploit them for his own nefarious purposes. In so doing he is able to skirt due process and not only devastate the family involved but also give the illusion that the victims themselves chose this for themselves. In any statement that illustrates the illegal and devastating actions of the two organizations, the words "Don" and "Prophet" can be interchanged and still not affect the meaning of the illustration.

In a conversation with Reed Braithwaite, an attorney who represented FLDS clients, he told me of a conversation he had with Willie Jessop, an apparent FLDS leader and spokesman. During Reed's conversation with Willie, the topic came up about the increased scrutiny the Church was coming under with respect to underage marriages. Reed told Willie that if he wanted that kind of scrutiny to end that they should just quit doing underage marriages. Willie tried to find some scriptural basis for continuing the practice and Reed persisted that it wouldn't be a big deal to just stop the practice. Then Willie, in a rare moment of candor said, "We can't stop underage marriage. If we do our religion will fall apart. If we don't get to those girls when they're young they will be exposed to the outside world and we'll lose them. We can't afford for that to happen. If it does, our religion will collapse." If people stop drinking, bootleggers would be out of business as well. The really telling part about that statement is the fact that there is an admission by one of the FLDS leaders that this abhorrent practice is not supported by a spiritual belief in God but rather their desire to traffic little girls to facilitate gratifying relationships with men in the Church. If the Church were to crumble, it would negate any argument that could be made about a group of people practicing their sincere religious beliefs. It is the tail wagging the dog. That is, underage marriage is not a necessary part of a bona fide religion; rather, the church is necessary to continue this abhorrent practice under the guise of religious freedom.

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As is the case with the mob, Warren and his cronies have taken advantage of the rank and file members of their respective societies and found the same kind of "hook" in order to keep them obedient and submissive. The mob's foundation for obedience is fear coupled with greed and pay offs. The FLDS leadership has obtained an even higher level of obedience by the same fear tactics only on a more primal level. With the mob it is the threat of death or harm to oneself or a family member. With the FLDS it is the same only the fear of death is replaced by deep-seated, profound, almost mystical fear of spiritual death in addition to the fear of being ostracized from the only family and friends they have ever known and exiled into the unknown and wicked gentile world having no idea what the future holds in store for them. In their minds death is preferable to such a fate and indeed has resulted in the premature deaths of scores of people through suicide, substance abuse and ambivalence to the sorrowful situation they have been thrust into. Greed and payoffs come in the form of providing one's daughters for marriage and taking others' daughters in marriage in order to increase one's prestige in the community. It is also manifest in the way the young men of the society are used up and discarded as well.

In general, divorce is one of the very most traumatic circumstances children and families can find themselves involved in. Some experts say it is even more devastating than the death of a loved one. When that kind of trauma occurs within a family, coupled with the absence of due process as a buffer in that agonizing process, the pain, desperation and helplessness felt by the children increases exponentially. One moment they have a set of siblings and parents that have been the source of comfort and stability throughout their existence, and literally within hours, they are forced into a completely foreign household with new siblings and parents and required to call another man father and another women mother.

I have been asked if it was really necessary to include Warren Jeffs on the same wanted list as Osama Bin Laden and other vicious killers. Upon reflection, I have to say, unequivocally yes. In terms of actual body counts, perhaps Bin Laden has taken the lead, but in terms of actual human suffering, Warren Jeffs has earned his place as one of the most vicious, heartless, creators of suffering in human history. However, by being the man standing behind the curtain and pulling the levers and strings, he has made it appear that it is all a benign alternate lifestyle, asserting those involved should be allowed to practice their religion in peace. Thankfully, the curtain is being drawn back and he is being exposed for the three headed monster that he is.

Hopefully the hearings will lead to new laws that will affect families and especially children in positive ways for generations to come. It is time that some of the less responsible and lecherous members of our society are held to the same standard we all are with regard to our country's most valuable treasure: children.

Sam Brower
Sam Brower Investigations
bsampi@hotmail.com

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LEGISLATIVE GENERAL COUNSEL
₵ Approved for Filing: T.R. Vaughn ₵
₵ 12-10-07 8:53 AM ₵

H.B. 23

1 **CHILD AND FAMILY PROTECTION**
2 2008 GENERAL SESSION
3 STATE OF UTAH
4 **Chief Sponsor: Lorie D. Fowlke**
5 Senate Sponsor: Curtis S. Bramble
6

7 **LONG TITLE**
8 **Committee Note:**
9 The Judiciary Interim Committee recommended this bill.
10 **General Description:**
11 This bill amends portions of the Utah Criminal Code relating to child abuse and the
12 Pattern of Unlawful Activity Act.
13 **Highlighted Provisions:**
14 This bill:
15 ▸ defines terms;
16 ▸ includes child abandonment as a type of child abuse;
17 ▸ provides that a person who commits child abandonment, or encourages or causes
18 another to commit child abandonment, or an enterprise that encourages, commands,
19 or causes another to commit child abandonment is:
20 • guilty of a felony of the third degree; or
21 • if the child abandonment results in serious physical injury to the child, or the
22 person or enterprise receives any benefit as a result of the child abandonment,
23 guilty of a felony of the second degree;
24 ▸ provides that a court may order a person or enterprise to pay the costs of
25 investigating and prosecuting a child abandonment case and the costs of securing a
26 forfeiture provided for in this bill;
27 ▸ provides that tangible or pecuniary benefits received from child abandonment are

28 subject to criminal or civil forfeiture; and
29 ▸ makes technical changes.
30 **Monies Appropriated in this Bill:**
31 None
32 **Other Special Clauses:**
33 None
34 **Utah Code Sections Affected:**
35 AMENDS:
36 **62A-4a-1002**, as enacted by Laws of Utah 2006, Chapter 77
37 **76-5-109**, as last amended by Laws of Utah 2006, Chapter 75
38
39 *Be it enacted by the Legislature of the state of Utah:*
40 Section 1. Section **62A-4a-1002** is amended to read:
41 **62A-4a-1002. Definitions.**
42 As used in this part:
43 (1) (a) Except as provided in Subsection (1)(b), "severe type of child abuse or neglect"
44 means:
45 (i) if committed by a person 18 years of age or older:
46 (A) severe or chronic physical abuse;
47 (B) sexual abuse;
48 (C) sexual exploitation;
49 (D) abandonment;
50 (E) medical neglect resulting in death, disability, or serious illness;
51 (F) chronic neglect;
52 (G) severe neglect;
53 (H) chronic emotional abuse; or
54 (I) severe emotional abuse; or
55 (ii) if committed by a person under the age of 18:
56 (A) serious physical injury, as defined in Subsection 76-5-109(1)[~~(d)~~], to another child
57 which indicates a significant risk to other children; or
58 (B) sexual behavior with or upon another child which indicates a significant risk to

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59 other children.
60 (b) "Severe type of child abuse or neglect" does not include:
61 (i) the use of reasonable and necessary physical restraint or force by an educator in
62 accordance with Subsection 53A-11-802(2) or Section 76-2-401;
63 (ii) a person's conduct that:
64 (A) is justified under Section 76-2-401; or
65 (B) constitutes the use of reasonable and necessary physical restraint or force in
66 self-defense or otherwise appropriate to the circumstances to obtain possession of a weapon or
67 other dangerous object in the possession or under the control of a child or to protect the child or
68 another person from physical injury; or
69 (iii) a health care decision made for a child by the child's parent or guardian, unless,
70 subject to Subsection 62A-4a-1004(2), the state or other party to the proceeding shows, by
71 clear and convincing evidence, that the health care decision is not reasonable and informed.
72 (2) "Significant risk" means a risk of harm that is determined to be significant in
73 accordance with risk assessment tools and rules established by the division that focus on:
74 (a) age;
75 (b) social factors;
76 (c) emotional factors;
77 (d) sexual factors;
78 (e) intellectual factors;
79 (f) family risk factors; and
80 (g) other related considerations.
81 Section 2. Section **76-5-109** is amended to read:
82 **76-5-109. Child abuse.**
83 (1) As used in this section:
84 (a) "Child" means a human being who is under 18 years of age.
85 (b) (i) "Child abandonment" means that a parent or legal guardian of a child:
86 (A) intentionally ceases to maintain physical custody of the child;
87 (B) intentionally fails to make reasonable arrangements for the safety, care, and
88 physical custody of the child; and
89 (C) (I) intentionally fails to provide the child with food, shelter, or clothing;

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90 (II) manifests an intent to permanently not resume physical custody of the child; or
91 (III) for a period of at least 30 days:
92 (Aa) intentionally fails to resume physical custody of the child; and
93 (Bb) fails to manifest a genuine intent to resume physical custody of the child.
94 (ii) "Child abandonment" does not include:
95 (A) safe relinquishment of a child pursuant to the provisions of Section 62A-4a-802; or
96 (B) giving legal consent to a court order for termination of parental rights:
97 (I) in a legal adoption proceeding; or
98 (II) in a case where a petition for the termination of parental rights, or the termination
99 of a guardianship, has been filed.
100 [~~(b)~~] (c) "Child abuse" means any offense described in Subsection (2) [~~or~~], (3), or (4)
101 or in Section 76-5-109.1.
102 (d) "Enterprise" is as defined in Section 76-10-1602.
103 [~~(c)~~] (e) "Physical injury" means an injury to or condition of a child which impairs the
104 physical condition of the child, including:
105 (i) a bruise or other contusion of the skin;
106 (ii) a minor laceration or abrasion;
107 (iii) failure to thrive or malnutrition; or
108 (iv) any other condition which imperils the child's health or welfare and which is not a
109 serious physical injury as defined in Subsection (1)[~~(d)~~](f).
110 [~~(d)~~] (f) (i) "Serious physical injury" means any physical injury or set of injuries that:
111 (A) seriously impairs the child's health;
112 (B) involves physical torture;
113 (C) causes serious emotional harm to the child; or
114 (D) involves a substantial risk of death to the child.
115 (ii) "Serious physical injury" includes:
116 (A) fracture of any bone or bones;
117 (B) intracranial bleeding, swelling or contusion of the brain, whether caused by blows,
118 shaking, or causing the child's head to impact with an object or surface;
119 (C) any burn, including burns inflicted by hot water, or those caused by placing a hot
120 object upon the skin or body of the child;

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121 (D) any injury caused by use of a dangerous weapon as defined in Section 76-1-601;
122 (E) any combination of two or more physical injuries inflicted by the same person,
123 either at the same time or on different occasions;
124 (F) any damage to internal organs of the body;
125 (G) any conduct toward a child that results in severe emotional harm, severe
126 developmental delay or retardation, or severe impairment of the child's ability to function;
127 (H) any injury that creates a permanent disfigurement or protracted loss or impairment
128 of the function of a bodily member, limb, or organ;
129 (I) any conduct that causes a child to cease breathing, even if resuscitation is successful
130 following the conduct; or
131 (J) any conduct that results in starvation or failure to thrive or malnutrition that
132 jeopardizes the child's life.
133 (2) Any person who inflicts upon a child serious physical injury or, having the care or
134 custody of such child, causes or permits another to inflict serious physical injury upon a child is
135 guilty of an offense as follows:
136 (a) if done intentionally or knowingly, the offense is a felony of the second degree;
137 (b) if done recklessly, the offense is a felony of the third degree; or
138 (c) if done with criminal negligence, the offense is a class A misdemeanor.
139 (3) Any person who inflicts upon a child physical injury or, having the care or custody
140 of such child, causes or permits another to inflict physical injury upon a child is guilty of an
141 offense as follows:
142 (a) if done intentionally or knowingly, the offense is a class A misdemeanor;
143 (b) if done recklessly, the offense is a class B misdemeanor; or
144 (c) if done with criminal negligence, the offense is a class C misdemeanor.
145 (4) A person who commits child abandonment, or encourages or causes another to
146 commit child abandonment, or an enterprise that encourages, commands, or causes another to
147 commit child abandonment, is:
148 (a) except as provided in Subsection (4)(b), guilty of a felony of the third degree; or
149 (b) guilty of a felony of the second degree, if, as a result of the child abandonment:
150 (i) the child suffers a serious physical injury; or
151 (ii) the person or enterprise receives, directly or indirectly, any benefit.

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152 (5) (a) In addition to the penalty described in Subsection (4)(b), the court may order the
153 person or enterprise described in Subsection (4)(b)(ii) to pay the costs of investigating and
154 prosecuting the offense and the costs of securing any forfeiture provided for under Subsection
155 (5)(b).
156 (b) Any tangible or pecuniary benefit received under Subsection (4)(b)(ii) is subject to
157 criminal or civil forfeiture pursuant to Title 24, Chapter 1, Utah Uniform Forfeitures
158 Procedures Act.
159 [~~(4)~~] (6) A parent or legal guardian who provides a child with treatment by spiritual
160 means alone through prayer, in lieu of medical treatment, in accordance with the tenets and
161 practices of an established church or religious denomination of which the parent or legal
162 guardian is a member or adherent shall not, for that reason alone, be considered to have
163 committed an offense under this section.
164 [~~(5)~~] (7) A parent or guardian of a child does not violate this section by selecting a
165 treatment option for the medical condition of the child, if the treatment option is one that a
166 reasonable parent or guardian would believe to be in the best interest of the child.
167 [~~(6)~~] (8) A person is not guilty of an offense under this section for conduct that
168 constitutes:
169 (a) reasonable discipline or management of a child, including withholding privileges;
170 (b) conduct described in Section 76-2-401; or
171 (c) the use of reasonable and necessary physical restraint or force on a child:
172 (i) in self-defense;
173 (ii) in defense of others;
174 (iii) to protect the child; or
175 (iv) to remove a weapon in the possession of a child for any of the reasons described in
176 Subsections [~~(6)~~] (8)(c)(i) through (iii).

Legislative Review Note
as of 10-2-07 10:20 AM

Office of Legislative Research and General Counsel

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Dear Gavin,

First, I want to thank you, Justin, Senator Reid and the rest of the team for the professionalism during our trip to Washington DC.

Second, I wanted to share a few suggestions following the story on the destruction of my father's family but I felt I didn't want to be disrespectful in taking more time after my oral testimony. Therefore, I would like to have the attached "testimony additions/suggestions" added to the file. All the comments address the subject of children and family, hence I believe the subject is unsurpassed in importance to the issue at hand. Can you please ask Senator Reid, the Chairman and the rest of the committee of Senators to read the enclosed comments?

Dan Fischer

PS: Incidentally and for the record Gavin, my legal first name is "Dan" not "Daniel." I was fine, and even honored, to be called "Daniel" at the hearing.

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First Suggestion:

I believe our founders, and later fathers (and mothers, for that matter), could not even imagine any human would be able to take the law unto themselves (under the "guise of religion" or other subject) to such a degree as what has transpired with the FLDS leadership today. I don't think they could have ever imagined that doing so would enable the complete destruction of families with expulsions of adult men and underage boys. I don't think they could envision that anyone would be able to circumvent "due process of law" and unilaterally change the family structure. I've yet to hear of anyone in our country (or in others for that matter) concerned about this type of "crime" over the centuries of its existence. We know families are the vital and fundamental glue of any society. We also know that laws have been in place for thousands of years to establish a deterrent and provide a punishment if a human kills another human. But, who could have ever imagined that this type of destruction could happen to multiple families, scaring many children? Who could have imagined that this would happen within our country, having been founded on the premise of Judeo-Christian values?

The only legal provision that I'm aware which addresses this falls under our civil codes, namely the tort of "alienation of affections." The problem with the tort of alienation of affections, in addition to the legal obstacles I understand accompany this increasingly unpopular tort, is that it is extremely unlikely that any FLDS victims would allege such a tort. To bring a civil case, the affected parties would need to hire an attorney and then have the wherewithal, financial, emotional and otherwise, to bring the action forward. In the case of FLDS wives and children, the lack of finances, education and brainwashing from birth would prevent this from happening. Additionally, even if they considered bringing a civil action, they would find themselves in a comprised position and would have to survive extreme family and "religious" pressure not to move the case forward. Furthermore, should they pursue the case and prevail, the only punishment to the perpetrator would be monetary. The current leader would simply pass this obligation onto FLDS families, requiring them to pay even more than they already do. Ironically, the party who "wins" could be expected to contribute financially to the debt and then in turn be victimized more.

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Alternatively, if the atrocity were a criminal act, law enforcement could act without putting the victims in a compromised position. Additionally, if sick leaders chose to misuse their power for such atrocities, it could cause them to evaluate the circumstances more carefully, knowing prison time plus restitution could be the end result. If, however, they caused the atrocity, law enforcement could have the law on their side to capture them for the courts to deal with. This would at least prevent the atrocity from continuing and affecting other families, monogamous or polygamous, including children most importantly.

I'm attaching a bill for your review that we recently put before the Utah State legislature. The name of the bill is the Child and Family Protection act. It passed the Utah House and Senate unanimously last session and was signed by the Governor on March 14, 2008. The Bill amends portions of the Utah Criminal Code relating to child abuse and the Pattern of Unlawful Activity Act (similar to the Federal RICCO Act).

The significance of the Bill is that it holds persons and enterprises criminally responsible for "encourag[ing] or caus[ing] another to commit child abandonment" as opposed simply to holding parents responsible, who usually have no choice but to follow the directives of their religious leaders. In this way, we can hold the real culprits (i.e., Warren Jeffs and other FLDS leaders) responsible for the abuses they cause other people to perpetrate against children.

I think this bill would serve as a good model to follow in proposing a similar bill in the Congress. As the Attorney General from Texas, Greg Abbott explained, if there isn't Federal intervention, the crimes that occur in one state will simply move to another state once enforcement occurs in the first. I believe this could be accomplished by amending RICCO, just as Utah amended its RICCO equivalent.

Second Suggestion:

We have a severe problem in this county with children from monogamous and polygamous families being born out of wedlock (with or without a "spiritual marriage") who simply are not accounted for. If there is a separation of the parents, the children almost always pay a higher price than those who enter a

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family with a legal marriage. There is no accountability for the welfare and safety of the child, no thought of addressing inheritances or capability of making sure parental benefits are passed on even if they are Veterans. In most cases, the father is not held responsible for child support or other types of support. In essence, these American children/citizens are discriminated against in multiple ways compared to children who are born or adopted into a legal family. I believe that it is well past time to have laws that account for every child. For state and other agencies to effectively do their job and account for children and their families, they need to know who these children are and then where they're located.

Secondly, I believe that a provision of law that mandates a hearing with due process any time unmarried partners (those not married legally, that is) separate and especially when children are involved, is long overdue. The children and either (or both) parents are deprived of the current due process in which a judge has the first requirement to determine what is in the best interest of the children. It is critical and fundamental in American values, that we protect the needs and rights of children. We must make this a higher priority than it currently is. These children have no say as to whom their parents are and if they were legally married or not. They have no say in becoming American citizens. We must become more responsible and provide laws that protect these children whether their families are monogamous or polygamous. Additionally, the number of children who are born into these types of non-legal relationships seems to be increasing in America instead of decreasing.

Furthermore, if due process were required and men were held accountable for child support in situations where they were separated from a non-legal relationship, it could prevent a significant number of them (and possibly women) from bringing children into an unsupported situation in the first place. At a base level, it would provide an opportunity to keep the burden of support on the parents instead of the taxpayers. And, for the polygamous societies, it could force some men to reconsider and not entangle with so many "wives" if they knew they would not be allowed to simply walk away or be "expelled away" from

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their responsibilities. It could also enable the fair handling of children born to a "legal wife" versus those born to "spiritual wives."

It may even be worthwhile to add an element to the law which would make it a crime for any third party to circumvent parental responsibility. It may be that this is better addressed in the route described in my first suggestion. At the end of the day, to be caring and responsible humans and leaders to all of our children - the individuals who are most vulnerable, as Hubert Humphrey and others so eloquently have described--we must put in place provisions which can operate across state lines for those children who are "falling through the cracks." ALL children born in America are American citizens upon birth. We need to make sure they are protected in just and responsible ways.

Third Suggestion:

I believe that we are past due in having a law that requires parents to raise the children they bring onto this earth (in America at least) to the age of adulthood. It should be a crime (as it is now in Utah) for parents, or third parties who intimidate or control parents, to expel young boys (or girls, albeit such is seldom the case with the FLDS) out of families, be they polygamous or monogamous. As my earlier testimony attests, the children in these families immediately experience both physical and mental trauma. Once again, they didn't have the ability to determine their parents or the society they would be born into, but the bottom line is that they are still American citizens. Upon being expelled from their community, their entire world is turned upside down. They are required to go into the world and experience an element of culture shock, many of them resorting to alcohol and/or drugs for self-medication. They have no ability or access to seek professional help and little to no financial resources; leading some even to resort to theft. Recently, a teenage Utah/FLDS "lost boy" murdered in a violent way his 15-year-old girlfriend (not from the FLDS society). He claimed that he sincerely loved her but he was under the strong influence of illegal drugs. The added stress and burden that this puts on other adults and children of surrounding societies is not only unfair but wrong! We must hold parents responsible for their children until they are at least 18 years old. It is one thing to

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give birth, but it is totally another thing to raise children, be they from a legal or non legal union, into responsible adulthood. I believe this is a reasonable expectation of my fellow American parents, monogamous or polygamous. And again, without the law being federal, the simple crossing of state lines makes the issue a problem for another state and enables the further continuance and even expansion of the problem. (Like the problems addressed in my second suggestion, these problems could be largely addressed by passing the legislation discussed in my first suggestion.)

Fourth Suggestion:

Hundreds of very young girls, many "underage" and as young as 11 and 12, have been married either against their will or via brainwashing to older men as 3rd, 10th, 50th or even 150th wives. This practice is obscene. After one or two children, and with little to no education of value, they are locked into the FLDS lifestyle with no hope of every escaping. This creates a vicious cycle that few have been able to break. Freedom for them is NOT a reality. I understand that historically the state governments have addressed marital issues, but this presents another problem. Amending RICCO as discussed above or some comparable alternative could help this issue but still not do what I believe is required.

One of the problems that exist with states separately addressing the minimum age at which a girl can first be legally married and secondly and more importantly, have sex with a man she is not LEGALLY married to, is that the age requirement is different from state to state. This encourages the trafficking of minor girls across state lines and even to Canada for the purpose of chaining them as a "spiritual," non-legal wife to older men. And, quite frankly, even chaining them to a man of 19 or 20 as the first and even legal wife can be problematic if it's at too young of an age. With all the varied ages that different states have in their statues, trafficking, and therefore crime, is encouraged. A minimum federal age needs to be implemented which preempts less stringent state laws. At a base level, there needs to be better enforcement of current laws or the establishment of new laws which prevent this atrocity against young American girls. A quality and well-rounded education should be strongly enforced.

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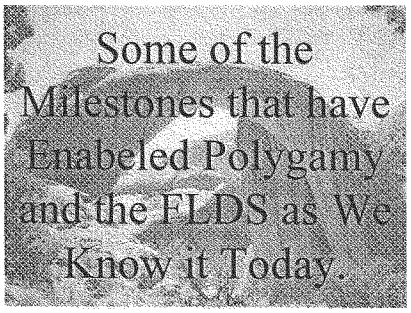
I humbly ask you, the Judiciary Committee, and others in Congress to please seriously study the logics of formulating appropriate law(s) to first help prevent the above atrocities to innocent and vulnerable Americans, and second, to deal with the perpetrator(s) if the atrocities occur.

Sincerely,

Dr. Dan Fischer
The Diversity Foundation

44773.037



Some Pivotal LDS* and FLDS* Mile tones "Then and Now"

1820 – Joseph Smith claimed he was told from God "All churches are an abomination before me"

1825 – Joseph Smith claimed to be ordained to the priesthood by Peter James and John.

*LDS is used to describe mainstream Latter Day Saints, commonly known as Mormons.
*FLDS is used to describe Fundamentalist Latter Day Saints commonly associated with modern polygamist sects.

1830 – Joseph Smith organizes the LDS Church

1834 – 104th section is added to the Doctrine and Covenants regarding the United Order.

1840 – 132nd Section is added to the Doctrine and Covenants by Joseph Smith stating that the law of "Celestial Marriage" (ie, the LDS order of polygamy) contained therein must be lived in order to receive the highest degree of glory.

1845 – Joseph Smith was martyred.

1844 – 1847 – The LDS exit from Navou Ill under pressure of persecution to the area of the now Salt Lake Valley (Then part of Mexico) Brigham Young was the "prophet".

1887 – The Edmunds Tucker act threatened to disincorporate both the LDS church and the Perpetual Emigration Fund if the LDS church continued to foster polygamy.

aprox. 1860 - 1890 – LDS high officials in hiding from US Marshalls, and further more hampering the progress of US troops sent to Salt Lake (Johnson's Army, a few years prior to the Civil War) .

1904 - 1907 – **Reed Smoot**: U.S. Congressional hearings on whether the United States Senate should seat U.S. Senator Reed Smoot from Utah who was charged with being a polygamist.

An official 1890 "Manifesto" from the fourth president of the LDS church stated polygamy should end.

mainstream Mormons
1890 – 1935
Fundamentalist Mormons

During this period, some joint membership existed.

mainstream Mormons

Heber J. Grant reinforces the Manifesto of 1890.

FLDS

The teaching: one day the priesthood would set the church in order, or Joseph Smith would do so.

mainstream Mormons

FLDS

Faction ??

Faction ??

Faction ??

Faction ??

Several factions have separated from each other since 1890 and continue to do so today.

mainstream Mormons

FLDS

aprox. 1935 – Shortcreek / UEP organized.

1944 – Raid – leaders put in prison

mainstream Mormons

FLDS

1953 – Raid on Shortcreek further anti-government entrenchment.

1957 – All courtship banned, marriage by "appointment" only was instituted. This even directly correlated to FLDS society being taught their children were God's chosen "Covenant Children"

FLDS

aprox. 1960 to present: Wives and children belong first to the "prophet"

aprox. 1985 – "One man rule" The counsel is dissolved Doctrine shifts from the prophet "is as God", to virtually "is God". Members taught the "prophet will never die", and "the world will end in the year 2000". husbands should love the prophet more than their wives, and husbands are to be such, only as long as they are in harmony and totally obedient to the "prophet". No one is to ever ask "why?".

FLDS

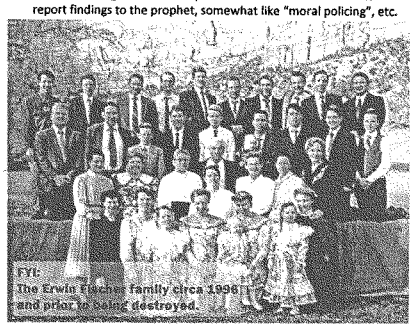
aprox. 1992 and forward: Examples of "Cult Like" controls increased:

a. Fanatical control of dress, color red banned, dark colors bad, girls measured on dress lengths, if bra straps show through etc. Wrist to ankle long underwear mandated.
b. Children quizzed about family e.g. "do you watch TV?, does your family have prayers?"
c. Sex should only occur for making a baby
e. Travel beyond a minimal radius requires approval of prophet
f. All businesses to be signed over to the prophet
g. FLDS membership taught to pray for the end of the world, destruction of all inhabitants of NA.

1998 forward, "Cult Like" FLDS controls increase:

FLDS

h. Sports banned, "competition is evil".
i. Laughter is evil
J. 1998, all members ordered to remove their children from the public school, employers are to fire apostates etc.
K. Wives et al to report wrongs of husbands to the prophet; written confessions required of expelled husbands
L. Daily indoctrination: early morning meetings, continuous "priesthood projects", constant playing of Warren's sermons over and over via even headphones and portable players, son's of Helaman young uniformed boy teachers sent to families and to report findings to the prophet, somewhat like "moral policing", etc.



FYI:
The Erwin Fischer family circa 1998 and prior to being destroyed.

mainstream Mormons to present

1978 – LDS Church opens doors for African Americans to priesthood and more.

FLDS

1957 – All young men to go on a "work mission" for at least 2-3 years prior to being married.

1978 – FLDS are taught "great and abominable church" is no longer the Catholic Church but is the LDS Church.

FLDS

1986 – "The prophet" Leroy Johnson dies; Rulon Jeffs becomes "prophet".

FLDS doctrine:
- God would never allow a mentally compromised man to become the "prophet". God would never allow the "prophet" to lead the people astray. No one should or can ever judge the prophet.
- "Christianity has nothing to do with it"
- "The living oracle/prophet supersedes anything else including all published doctrines including Joseph Smith's fundamental works the Three in One, i.e. Book of Mormon, Doctrine and Covenants, and the Pearl of Great Price.

FLDS

aprox. 1998 – Rulon and Warren Jeffs move to Colorado City / Hilldale. All FLDS in Salt Lake instructed to do likewise and so to be "lifted up" when God destroys all of North America in year 2000.

aprox. 2002 – Rulon Jeffs dies – Warren Jeffs claims to be "prophet".

FLDS

Under Warren Jeffs (including Rulon's last years) :
a. Very young girls married off.
b. Masses of boys expelled or discouraged out
c. Extreme numbers of young girls are married to top hierarchy in FLDS – Warren Jeffs to amass between 100 and 200 wives.
d. Greater than 250 families become "reorganized" / "destroyed"

FLDS

2004 – "Lost Boys" activity leads to increased public and government awareness.

2007 – Warren Jeffs found guilty of being an accomplice to the rape, and the mandated marriage of a 14 year old girl to her 19 year old

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Terry Goddard
Attorney General

Office of the Attorney General
State of Arizona

Testimony for the Committee on the Judiciary
United States Senate

Terry Goddard
Arizona Attorney General

"Crimes Associated with the FLDS: The Need for a Coordinated Local, State and Federal Response"

July 24, 2008

Written Statement

Thank you Chairman Leahy, Senator Specter, distinguished Members of the Committee and Staff. I appreciate the opportunity to speak to you today. Investigation and prosecution of crimes in the communities controlled by the Fundamentalist Church of Jesus Christ of Latter-day Saints ("FLDS Church" or "FLDS") come with a unique set of challenges for law enforcement. The major challenges illustrate how enhanced local-state-federal cooperation and additional resources would be most beneficial.

At the outset, I want to make two things clear about Colorado City and the FLDS Church. First, we are not talking about the Church of Jesus Christ of Latter-day Saints, commonly known as "the Mormon Church." Second, the work being done by my Office in Colorado City is not about religion, culture or lifestyle. Rather, it is about protecting women and children from domestic abuse and sexual violence; combating fraud and public corruption; enforcing civil rights laws; upholding peace officer standards, and ensuring that the rule of law is applied equally and comprehensively throughout our land.

The FLDS Church emerged in the early 1900s when its founders left the Mormon Church after the Mormon Church renounced the practice of polygamy or plural marriage. At that time, the FLDS Church was headquartered in the tiny town of Short Creek, Arizona, on the Arizona-Utah border, in the isolated area north of the Grand Canyon known as the "Arizona Strip." The town of Short Creek has since expanded into the twin communities of Hildale, Utah, and Colorado City, Arizona.

1275 West Washington ▪ Phoenix, Arizona 85007 ▪ 602.542.4266 (phone) ▪ 602.542.4085 (fax) ▪ www.azag.gov

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During the first part of the 20th century, Arizona law enforcement officers raided the community of Short Creek three times, in 1935, 1944 and 1953. The largest of those police actions took place just before dawn on July 26, 1953, when more than 100 Arizona police officers and National Guard soldiers entered Short Creek. Most of the community was taken into custody, including 263 children who were declared wards of the state. Arizona Governor Howard Pyle had invited scores of reporters to observe the raid, but almost all the news coverage was critical of the Arizona officials. Almost a year later, 36 men pleaded guilty to conspiracy to violate Arizona law prohibiting bigamy, and each was given a one-year suspended sentence and released. Public sympathy went out to the children who were separated from their families and placed in state custody. By all accounts, public outrage over the heavy-handed Short Creek raid was largely responsible for Gov. Pyle being voted out of office in 1954.

The harsh lessons of that raid 55 years ago had at least three long-term impacts. First, governmental authorities were more inclined to ignore Colorado City and Hildale. Second, residents of those communities became highly suspicious of government at all levels. And third, leaders of the FLDS Church used the first two effects to their advantage, asserting ever-increasing autocratic control over their followers.

In 2003, Utah Attorney General Mark Shurtleff and I formed a partnership to undertake and coordinate civil and criminal investigations and provide a safety net for the victims of child abuse and domestic violence in Colorado City and Hildale. At the time, those communities had 10,000-12,000 residents, almost all of whom were FLDS members. They were geographically isolated and strictly segregated from outside influences by their leaders.

Recognizing the failure and long-term damage from the 1953 Short Creek raid, Arizona and Utah have focused on investigations and prosecutions of specific instances of child abuse, domestic violence and fraud.

Under Arizona laws, child abuse complaints cannot be prosecuted unless there is an actual victim who is willing to testify. Most women and children in Colorado City were, and in large part still are, afraid to testify against their abusers. Child abuse in the FLDS community has included physical and sexual abuse cases and unique situations that involve underage girls forced into plural marriages with much older men. In addition, the FLDS regularly expelled teenage boys from the community to reduce competition for plural wives. It is alleged that those boys were physically forced out of the community, in many instances by Colorado City-Hildale Marshals, leaving them with no education, support or hope for the future.

Over the past five years, we have expanded the partnership between Arizona and Utah law enforcement agencies to include state and local service agencies, advocacy groups and members of the communities. We have held monthly Safety Net meetings and established a permanent physical presence for law enforcement and social services in Colorado City.

One of our most significant accomplishments was the indictment of Warren Jeffs, the leader of the FLDS Church, on child abuse charges in both Arizona and Utah. Following those indictments, Mr. Jeffs became a fugitive in what turned into a two-year manhunt. Arizona and Utah put up a $10,000 reward for information leading to his arrest and prosecution. Attorney General Shurtleff and I asked for help from the U.S. Department of Justice. Subsequently, Jeffs was placed on the FBI's Ten Most Wanted Fugitives list, and the FBI increased the reward to $100,000. Three months later, on August 28, 2006, Jeffs was arrested in Nevada on a routine traffic stop. He was convicted in Utah in September 2007 on two counts of rape as an accomplice for ordering and performing an underage marriage in Caliente, Nevada. He was sentenced to two terms of five years to life. My office is currently assisting Mohave County Attorney Matt Smith to prepare for Jeffs' trial in Arizona on felony charges of sexual abuse of a minor.

The Arizona and Utah Peace Officers Standards and Training Boards have been vigilant in requiring the Colorado City-Hildale Marshal's Office to comply with the law and law enforcement protocols. Six Hildale and Colorado City police officers have been removed from office and decertified for failing to report numerous cases of abuse, in addition to committing crimes themselves, including bigamy. Because their first allegiance was to Warren Jeffs, those officers followed his instructions, even when those instructions contravened the officers' duty to protect public safety.

My Office has encountered many instances where the civil rights of citizens in Colorado City and Hildale appear to have been violated, but state civil rights jurisdiction is limited. Accordingly, I initiated requests beginning in August 2005 to the U.S. Department of Justice to investigate the Colorado City Marshal's Office for civil rights violations for its role in ejecting teenage boys from the community, evictions and reassignment of families excommunicated by Mr. Jeffs, and other actions of the FLDS Church. I am still waiting for a response to that request. The Department of Justice could play an important role in this effort. If the Colorado City-Hildale Marshal's Office cannot function as a viable law enforcement agency, perhaps the authority in this area should be assumed by the federal government or the county sheriffs.

The FLDS Church has property and businesses in several states other than Arizona and Utah. Those states include Nevada, Texas, Idaho and Wyoming. The FLDS also has settlements in Mexico and British Columbia, Canada. The details of multi-state business operations, which may involve non-reporting of taxable income, have eluded the reach of state investigations. Communication and coordination among local, state and federal law enforcement agencies is an important key to the successful investigation and prosecution of crimes across jurisdictions.

More than 50 federal, state and local law enforcement agencies and the IRS met on June 11, 2008 in Las Vegas. That meeting was highly productive in identifying strategies to enhance our communication and information sharing. Access to evidence is critical to investigating these cases, and state law enforcement agencies' resources are limited. For example, we are still attempting to get access to the four laptop

computers, 16 cell phones, and other records seized from the Cadillac Escalade in which Warren Jeffs was riding at the time of his arrest in August 2006. Texas authorities seized 83 computers and 400 boxes of documents from the YFZ Ranch in El Dorado, Texas, in April 2008. The processing, analysis, and sharing of such a large volume of physical and electronic evidence require more manpower than our state agencies can provide.

My Office continues to request federal cooperation in apprehending fugitives outside the borders of our state and country. We are working with the U.S. Marshal's Office to apprehend a fugitive in an FLDS-related case, who is believed to have been hiding in Mexico for more than five years.

The closing of the private schools run by the FLDS Church following the arrest of Warren Jeffs in August 2006 is a continuing cause for concern. The majority of children in Colorado City-Hildale have not attended school in the Colorado City Unified School District since 2000 when approximately 1,000 children were withdrawn from the District by then FLDS leader Rulon Jeffs. Those children were subsequently enrolled in private schools run by the FLDS in Colorado City or home-schooled, but the FLDS-run private schools have remained closed since September 2006, and it appears that hundreds of children are not receiving an education.

Reportedly, Warren Jeffs ordered FLDS parents not to enroll their children in the public school system. However, only 12 parents have filed home-schooling affidavits as required by Arizona law. Children are consistently observed in the late morning playing on the streets throughout Colorado City and Hildale. We have also received information that boys as young as 12 years of age are sent out to work on construction sites. I am enlisting the help of our state school authorities and community advocates to enforce truancy laws and persuade parents to enroll their children in school.

Our collaborative efforts have helped ensure that victims have ready access to services. We have learned that outreach and support to victims must overcome the barriers unique to these communities such as geographic isolation, historical disputes with government, transportation barriers and lack of access to victim services and legal assistance. Safety Net agencies have provided legal assistance, housing, counseling, education and other forms of support to 1,200 victims in the Colorado City-Hildale area. Those victims include plural wives with children, teenage boys forced out of their homes and child brides. Child abuse reports have also increased dramatically in the region as a result of our outreach.

As a result of the ongoing Arizona-Utah partnership, significant progress has been made:

- The Safety Net program has increased access to human services and law enforcement agencies from Arizona and Utah. In 2004, Arizona established the first state-county building in Colorado City with offices and staff from the Arizona Department of Economic Security's Child Protective Services and other public

programs along with the Mohave County Sheriff's Office and Mohave County Attorney's Office. These services are integrated with Utah state and county services based in St. George and Hurricane, Utah.

- Arizona and Utah collaborated in the development of a training curriculum (The *Polygamy Primer* and *Safety Net Directory)* to help child protection professionals better provide services to victims of domestic violence and child abuse who live in polygamous communities (available at www.azag.gov).

- Arizona established a 24-hour, toll-free helpline to provide outreach to child abuse and domestic violence victims. The SAFE TALK HELPLINE (866-9-SAFE-99) is promoted using billboards, bumper stickers, flyers and shoe cards. Calls are answered by professional counselors at Childhelp USA. Utah has established a similar toll-free helpline.

- The Arizona and Utah Legislatures have passed child bigamy statutes to give law enforcement officials better tools to prosecute crimes that involve plural marriages of underage girls to much older men.

- In February 2008, Jeffs was transferred to Mohave County, Arizona, where he awaits trial on 10 felony counts of sexual abuse of a minor, incest and conspiracy to commit sexual abuse.

- Arizona and Utah Peace Officer Standards and Training Boards (POST) continue to require the Colorado City-Hildale Marshal's Office to comply with the law and standard law enforcement procedures.

- In 2006, Mohave County secured eight indictments against a number of Jeffs' followers on charges of sexual abuse of a minor and conspiracy to commit sexual abuse. To date, five men have been convicted on such charges. One case was dismissed when a witness refused to cooperate. Another case resulted in an acquittal when there was no victim available to testify. One case remains pending.

- Two years ago the Arizona Legislature, motivated by the financial failure of the Colorado City School District, passed the Arizona school receivership law. In December 2006, on the day the new law took effect, my Office asked the Arizona Board of Education to place the district in receivership. The Colorado City School District superintendent and board have been removed and an independent receiver has been appointed.

- In 2006, the Utah courts took control of the United Effort Plan Trust (a subsidiary organization of the FLDS Church with assets worth almost $200 million) from Warren Jeffs. The Arizona and Utah Attorney General's Offices worked together to petition the Utah probate court to replace Jeffs and his associates as trustees because they were using Trust assets to reinforce their power over followers. A

special fiduciary was appointed by the Utah court. He has been working to identify and protect the Trust's assets. For the first time, the homesites in Colorado City and Hildale, previously owned by the Trust, have been subdivided and the special fiduciary is now working with residents to allow them to assume ownership of their homes.

- We have sponsored two training sessions with experts on authoritarian groups for Arizona and Utah law enforcement and human services professionals working with victims from polygamous communities.

- Attorney General Shurtleff and I have hosted four "Polygamy Town Halls" in St. George, Utah to provide opportunities for the Colorado City-Hildale residents to meet and discuss issues with law enforcement leaders. These forums have kept channels of communication open between victim advocates and members of the communities.

For too long, Warren Jeffs and his predecessors have ignored and violated the law. We are working to restore the rule of law in Colorado City and Hildale and to aid the victims who have suffered abuse. What has taken a century to build cannot be changed overnight. Step by step, we are making important changes, but a great deal of work still lies ahead. Enhanced local-state-federal cooperation and additional resources from federal law enforcement can make a big difference in investigating and prosecuting crimes and better protecting the thousands of followers of the FLDS from future abuse.

Thank you for your consideration and willingness to help with our efforts.

Testimony Before the
United States Senate Committee on the Judiciary

Hearing on
Crimes Associated with Polygamy: The Need for a Coordinated State and Federal Response
Thursday, July 24, 2008 10:00 a.m.

Marci A. Hamilton
Paul R. Verkuil Chair in Public Law
Benjamin N. Cardozo School of Law
Yeshiva University
55 Fifth Avenue
New York, NY 10003
(215) 353-8984
(215) 493-1094 (fax)
hamilton02@aol.com

Mr. Chairman and Members of the Committee:

Thank you for permitting me to submit written testimony regarding the serious problems created by the criminal activity of polygamous groups. I hold the Paul R. Verkuil Chair in Public Law at Benjamin N. Cardozo School of Law, Yeshiva University. My primary area of expertise involves the constitutional doctrines involving religious groups and individuals who violate the law and, in particular, child abuse and neglect within religious organizations. I have served as the constitutional law litigator for numerous victims of clergy abuse within numerous organizations.

My recent publications include *God vs. the Gavel: Religion and the Rule of Law* (Cambridge University Press 2005, 2007) (harm caused by polygamy discussed pp. 21-24, 39, 48-49, 54-56, 65-77) and *Justice Denied: What America Must Do to Protect Its Children* (Cambridge 2008). Before joining the faculty at Cardozo Law School in 1990, I clerked for Supreme Court Associate Justice Sandra Day O'Connor.

My testimony will focus on the child abuse and neglect crimes that arise out of polygamous communities and suggest legislative solutions to these serious problems. As is well known, religious polygamous communities have exhibited a disregard for the laws of marriage, child sex abuse, statutory rape, and criminal child neglect.

The problems for children in these groups arise directly from the desired proportion of men to women in the groups. At the base line, girls and boys are usually born in about equal proportions. In order to have as many women to choose from as possible, girls are married to men as soon as they are of childbearing age and forced to

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have as many children as possible. To keep the number of men low vis-à-vis the women, select boys are discarded.

No civilized society can permit such practices – once known – to continue. I applaud Senator Reid for introducing a bill to institute a federal task force to study abuse, extortion, embezzlement, and other illegal activities associated with polygamous groups. **I strongly recommend that the Committee charge the Task Force with consideration of the following proposals**.

There is a need for punishment, deterrence, and public accountability. I will make three proposals necessary to ensure that these three public goals are served: (1) amend the RICO laws to encompass organizations that foster and further child abuse and neglect; (2) create incentives for the states to eliminate statutes of limitations so that victims can identify their predators and those who aided them through court actions when the victims are ready; and (3) deter child abuse and neglect through financial means: (a) upon conviction of a nonprofit organization for fostering abuse and neglect in a criminal or civil action, require remove the organization's tax exempt status and (b) prohibit all federal agencies from doing business with organizations that foster and further child sex abuse.

I. Amend the RICO laws

Organizations that encourage and foster child sex abuse need to be made accountable. Federal authorities have not had the legal tools to pursue organizations that foster and further child sex abuse and neglect. The criminal and civil RICO laws, taken together, are best suited to this end, because they combine punishment with deterrence with financial accountability for organizations.

Criminal RICO should be amended to ensure that it encompasses organizations fostering and furthering child sex abuse and neglect.

First, amend 18 U.S.C. § 1962(c) to include the bolded language:

> It shall be unlawful for any person, ***or enterprise engaging in, promoting, or facilitating childhood sexual abuse or neglect,*** employed by or associated with any enterprise engaged in, or the activities of which affect, interstate or foreign commerce, to conduct or participate, directly or indirectly, in the conduct of such enterprise's affairs through a pattern of racketeering activity or collection of unlawful debt.

Second, amend 18 U.S.C. 1961(1)(a), the definition of "Racketeering Activity," to include the bolded language:

> **(1)**"racketeering activity" means **(A)** any act or threat involving murder, kidnapping, gambling, arson, robbery, bribery, extortion, dealing in obscene matter, ***engaging in, promoting or facilitating childhood sexual abuse or neglect,*** or dealing in a controlled substance or listed chemical

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(as defined in section 102 of the Controlled Substances Act), which is chargeable under State law and punishable by imprisonment for more than one year;

Civil RICO should be amended to deter organizations from harboring or encouraging child abuse or neglect, hiding child abuse or neglect, or recklessly disregarding child abuse or neglect. I suggest the following amendments (new language in bold):

The first sentence of Section 1964(c) of the Racketeer-Influenced and Corrupt Organizations Act, 18 U.S.C. § § 1961- 1965 should be amended to include the bolded language:

> 'Any person injured in his business, property, **or in his person if a victim of childhood sexual abuse or neglect** by reason of a violation of section 1962 of this chapter may sue therefore in any appropriate United States district court and shall recover threefold the damages he sustains and the cost of the suit, including a reasonable attorney's fee, except that no person may rely upon any conduct that would have been actionable as fraud in the purchase or sale of securities to establish a violation of section 1962.'

II. Encourage the States to Eliminate the Statutes of Limitations for Child Sex Abuse So that More Organizations and Perpetrators Are Publicly Identified and Made to Pay for the Harm that They Have Caused

Child abuse and neglect have cost the United States billions – from physical and mental health care costs to opportunity costs from underperformance and the inability of victims to fulfill their full potential. It is inevitable that some of these costs will have to be absorbed by public social services, but that does not mean that organizations should not be held liable for their part.

When organizations foster child abuse and neglect, they should be made to pay for the harm that they have imposed on the victims and the costs they have imposed on all taxpayers. The most efficient means of pursuing this goal is to create greater opportunities for victims to go to court.

Right now, the vast majority of states have statutes of limitations on child abuse that are so short that victims are not able to come forward before the courthouse doors have been locked shut. As I argue at more length in my book *Justice Denied; What America Must Do to Protect Its Children*, the federal government should create incentives for the states to eliminate the statutes of limitations to create such opportunities. Only then will more of the organizations and perpetrators responsible for the abuse be publicly named and only then will they be forced to pay for the harm they have caused, both through penal fines and through civil lawsuits.

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III. Revoke Nonprofit Tax Exempt Status for Organizations that Foster or Further Child Abuse or Neglect and Prohibit Federal Agencies from Doing Business with Organizations Furthering or Fostering Child Abuse or Neglect

The tax law governing tax exempt status needs to be clarified to plainly deter child abuse and neglect. The following is suggested legislative language regarding the tax exempt status of nonprofits that foster or further child abuse or neglect:

> Revocation of tax-exempt status for organizations furthering child abuse or neglect. Tax exempt status for a charitable organization under the Internal Revenue Code shall be revoked by the Internal Revenue Service from any organization if it is found by a court of law in a civil or criminal case that the organization:
> (a) Fostered the abuse of children,
> OR
> (b) Took steps to conceal the abuse of children,
> OR
> (c) Failed to report knowledge of child abuse or neglect to the relevant law enforcement authorities.

Finally, federal agencies should not be permitted to do business with any organization that furthers or fosters child sex abuse or neglect.

I would be pleased to answer any questions regarding these or other proposals regarding the protection of children from crimes within polygamous communities.

Submitted: Marci A. Hamilton
July 23, 2008

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UNITED STATES SENATE,
COMMITTEE on the JUDICIARY,
HEARING on "CRIMES ASSOCIATED WITH POLYGAMY: THE NEED FOR A COORDINATED STATE AND FEDERAL RESPONSE", AT THE SENATE DIRKSEN OFFICE BUILDING, ON THE 24TH DAY OF JULY, 2008

RESPECTFULLY SUBMITTED BY SARA HAMMON

I, Sara Hammon,a resident of Mesquite, Nevada, want to thank the Judiciary Committee for allowing me to submit my views in absentia by way of a written submission on the critical matters surrounding crimes that take place within the polygamous sect including but not limited to wife battering, child abuse, incest, tax evasion and welfare fraud in general and in particular, how it is necessary for a collaborative state and federal effort for a meaningful solution to the crimes often associated with polygamy.

For ease of reference for the committee and for a historical backdrop, I would like to more fully describe myself. I was born in Hildale, UT in 1974 and raised in Colorado City, AZ until 1989. During those 14 years, I was physically, sexually, emotionally, and mentally abused by 12 members of my family, including my father. At the age of 14, I left home to escape this abuse and an impending marriage set immediately after my 15th birthday, and to escape a fate similiar to that of my mother's.

My mother was the tenth of my father's 19 wives and I was the 64th of his 75 children. I lived in the same house with my father during the 13 years before his death in 1988. He seldom recognized me and he never remembered my name or which wife had given birth to me. My mother began having nervous breakdowns in 1975 and these breakdowns didn't subside until 1999 when she moved out of the house I was raised in. In total, she had nearly two dozen nervous breakdowns due to the extreme emotional stress inflicted on her by the polygamous lifestyle - and by the abuse of her children, and other children known to her, while they being were raised in it.

My father was one of the FLDS priesthood leaders from 1941 to 1984. He was 'ordained' to preceed Warren Jeff's father, Rulon, as 'prophet'of the church upon the death of Leroy S. Johnson. Due to a conflict in principles, he was ousted from the church and created his own sect in the mid 1980's - known as The Work of Jesus Christ. His followers are based at Cenntenial Park, AZ, approximately one mile from Colorado City, AZ.

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My father was on the original Board of Trustees for the United Effort Plan. The United Effort Plan was designed to take property deeds away from rightful owner(s) of the property and place them in the hands of church leaders. My mother was a victim of extortion when she was coerced by my father to sign over her interest in property she inherited from my grandfather.

In 2004 I joined The HOPE Organization in an effort to help people who have left polygamy transition into mainstream society. In 2006 I became the Vice President of this organization. While Warren Jeffs was on the FBI's Most Wanted List and since his apprehension in 2006, I interviewed with Larry King, Diane Sawyer, Anderson Cooper 360, BBC, The LA TImes, ABC News, and others, including independent film makers and book authors. I was one of the first people to come forward about abuse at the inception of the Safety Net Committee in Southern Utah - which was established by the states of UT and AZ to set up communication between polygamist sects and the state governments. All of this, to help bring light to the crimes being cloaked by religious polygamy - and to the victims of them.

The lack of a coordinated state and federal response to crimes associated with polygamy today finds its roots in highly public failures by the state. It is nothing if not ironic that Abraham Lincoln,in his Second Annual Message to Congress on December 1, 1862, told Americans that "we cannot escape history". Yet the Great Emancipator did just that-and did so successfully. While earlier that year Lincoln signed the Morrill Anti- Bigamy Law designed to punish and prevent the practice of polygamy, he secretly passed word to Brigham Young that he would not prosecute polgamous Mormons who were otherwise law abiding.

The wisdom of Lincoln's approach that did not target the lifestyle (polygamy) only criminal behavior tragically took place almost one century later on July 26, 1953 with the disastrous Arizona state raid on the Short Creek polygamous community. Martha Bradley, of the University of Utah, in "Kidnapped From That Land" finds the real goal of that short sighted raid, to wipe out plural marriage, not only failed but was an unmitigated PR disaster arousing great public sympathy for the polygamists.

The bitter legacy of the aborted Short Creek raid was such that the hearing today concerning a coordinated federal and state response to crimes associated with polygamy would not be possible because for approximately 50 years after Short Creek, state officials in Utah, Arizona, turned a blind eye to many abuses of women and children. Except for the most notorious abuse that could not escape public scrutiny, those states did nothing to halt crimes against women and children. Unlike after Short Creek,the recent raid of the polygamous sect at Eldorado, Texas , and its aftermath has highlighted the need for a coordinated federal and state response toward the criminal excesses of polygamy, especially child abuse.

Today state and federal governments are in a great position to embrace Lincoln's attitude toward polygamy- that is while not fully countenancing polygamy as a lifestyle,

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prosecuting criminal abuses. This can be successful only with increased communication between state and federal agencies especially as it relates to white collar crimes such as Income Tax evasion and racketeering type operations.

Mark Shurtleff, Utah Attorney General, is in favor of forming a joint task force to facilitate such communication between the governments. His office currently partners with the U.S. Department of Justice's Office on Violence Against Women to provide resources to victims of spousal domestic violence such as legal help and housing. This can be a model of state- federal coordination regarding crimes associated with polygamy.

And something, I want to emphasize today. Women who leave polygamous relationships after being victims of violence are left isolated, poor and alone. Unfortunately, State Domestic Relations laws do not allocate spousal alimony (alimony) or provide for equitable distribution of assets and liabilities for second, third, fourth (and beyond) wives.

A federal judicial task force is essential to explore how to make state divorce laws compatible with the end of polygamous relationships just in terms of basic decency and human capital.

Thank you for your time.

Sara Hammon

P.o. Box 2313
Mesquite, NV 89024
Email: hammon222@hotmail.com

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TESTIMONY: CAROLYN JESSOP
SENATE JUDICIARY COMMITTEEE
July 24, 2008

Thank you, Mr. Chairman and members of the Judiciary committee. My name is Carolyn Jessop. It is both a privilege and honor for me to be here today and testify about my experiences in the polygamist world of the F.L.D.S. (Fundamentalist Church of Latter Day Saints.)

I am a member of the sixth generation in my family to be born into polygamy. I am fortunate because I am one of the very few F.L.D.S. women allowed to obtain a college education. I graduated with a Bachelor of Science degree and became an elementary school teacher within my F.L.D.S. community in Colorado City, Arizona. I am the author of *Escape*, a memoir about my life in the F.L.D.S. which was published in October, 2007, by Doubleday and became a *New York Times* bestseller.

April 22, 2003, in the dead of night with $20 to my name and no idea of what lay ahead, I loaded all eight of my children, including my handicapped son, into a van and fled the F.L.D.S. community in Colorado City. I left the only world I had ever known for 35 years. I was desperate because I could no longer protect my children from increasing abuse within the F.L.D.S. as the result of bizarre pronouncements by the prophet Warren Jeffs. One of Jeffs' closest associates at the time was my husband, Merril Jessop, who is now considered to be one of the most powerful men in the F.L.D.S. Currently my ex-husband runs the F.L.D.S. compound which is known as the "Yearning for Zion" ranch in El Dorado, Texas.

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I am here today to inform this panel about my firsthand experiences of systematic abuse and disregard for the law within the F.L.D.S., which leads to the isolation of the most vulnerable individuals within any community, the women and children who live without the protection of law that most Americans take for granted. The rural, small town lifestyle and the old-fashioned looking clothing worn by the group should not lead anyone to overlook the fact that they have vast resources. F.L.D.S. leaders are experts at disregarding laws which they do not like and are equally quick to invoke laws which favor them. I begin with the corruption within the law enforcement systems.

Control over Law Enforcement

When the F.L.D.S. enters an area it moves decisively to assume political and legal control of that community. Members vote as they are told by the F.L.D.S. leadership. Their religious leaders' goal is to place individuals in public office that will follow the dictates of the F.L.D.S. instead of the law. A recent example of this was the F.L.D.S. leaders' statement to the press that after the child protection action in Texas, they had enough of "trusting in local government" and were requesting voter registration for each of their members so that they could govern themselves, or words to that effect.

In my experience, in Colorado City, Arizona, the Mayor, many city officials the Chief of Police and every police officer were all members of the F.L.D.S. and were essentially handpicked by church leaders.

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If a woman who was beaten by her husband called the police, she was typically told by the police officer that she was "...married to a good man and if she were obedient, there would not be any problems." The police would not interfere with their religious teaching that gave a man the right to discipline his household.

F.L.D.S. women were expected to drive unlicensed, unregistered, and uninsured cars around the community. I was never once pulled over by local police for this infraction. This meant that I had transportation within the community but I could not drive beyond its borders without being stopped. Occasionally, the police would inform the F.L.D.S. men that a state trooper would be coming to town. The men would tell their wives they were not allowed to drive their cars on that day.

The night I escaped with my children I knew I couldn't go to the local police for protection because they would be the first men that Merril would contact to hunt me down. They could use the fact that my car was not licensed as a legal reason to arrest me. The result of this collusion between the F.L.D.S. and the police is that there is nowhere to turn for a woman who is seeing refuge from an abusive situation. The normal protection that most Americans expect from their local law enforcement does not exist within an F.L.D.S. community.

Another example of how the F.L.D.S. leadership manipulates standard local government functions is the current battle between Colorado City, Arizona, and Hilldale, Utah, against the United Effort Plan (UEP) Trust. The UEP is a charitable trust that was formed

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by the F.L.D.S. many years ago to hold property in trust, enabling the church to own everything. In 2005, the state of Utah took over the UEP and has been working on behalf of the families living in homes on UEP Trust land. The goal of the UEP is to enable these people to take legal ownership of their homes. The local governments in Hilldale and Colorado City have repeatedly found excuses for not recording the property surveys conducted by the Trust. As a result, the Trust is unable to complete the legal process required to privatize these homes on behalf of the families living in them.

Welfare Fraud

There is a religious doctrine among the F.L.D.S. known as "bleeding the beast." The "beast" is the U.S. Government. "Bleeding the beast" means two things: F.L.D.S. members should avoid paying taxes at all costs and should also apply for every possible type of government assistance that is available, whether they are eligible or not.

For example, many men and women were assigned to work jobs for companies controlled by the F.L.D.S. These jobs often required long hours of work. Some might call it slave labor because these workers were paid far below the federal minimum wage. Companies with such arrangements were required by the F.L.D.S. church leadership to "contribute" most of these employees' salaries to the church. These people then applied for welfare, fraudulently claiming they were unemployed. To the best of my knowledge, this practice still continues today.

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Child Labor Abuse

Another way to supply business with "slave labor" was to require boys and girls, often as young as 12, to leave school and work for these F.L.D.S. business which were often construction firms. It was not uncommon for these children to be required to be on the worksites by 6am or 7am in the morning and work until dark, which could be as late as 9pm in the summer. These children were trained to hide if anyone from OSHA or anyone from outside the community came on the job site. To the best of my knowledge, the practice of using child labor still continues.

My oldest son, Arthur, was one of these children. He was 12 when he was pulled out of "religious" school, the only education available at the time to F.L.D.S. children. He was sent to work for his half-brother's business. This was not a summer job. This was fulltime, year-round employment, of sorts. My son was not paid. He was given a phone card and a small allowance for meals. His experience is not unique. What is unique is that after we escaped from the F.L.D.S., Arthur had a chance to develop his full potential academically and psychologically.

In Colorado City, I did not know of a safe place where I could go to report this child labor abuse. I couldn't report to local authorities because they were all part of the F.L.D.S. I feared if I went outside the community to Child Protection Services, I would be held accountable because I was his mother. I lived with the fear that my children would be taken away from me. This fear was based in reality: I saw women who

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disobeyed the wishes of the prophet or their husband removed from their homes and their children.

I knew, as does every woman in the F.L.D.S., that polygamy is an illegal lifestyle. We feared going to any service agencies outside our community because of the risk that we would get into trouble instead of being helped. We were all multi-generational Americans, but we had the same fears as any illegal immigrant. I know I did not believe I had the same Constitutional rights as other Americans.

Educational Abuse

I was fortunate to have grown up during a time when the F.L.D.S. children were allowed to go to public schools. But even so, most of the teachers and all of the administration were members of the F.L.D.S. As a child, I routinely received textbooks with chapters torn out.

As a result, there were big holes in my education. I was taught, for example, that Abraham Lincoln was evil because he opposed polygamy. My children's education was far inferior to mine and this is one of the reasons I risked everything to escape. Merril Jessop, my ex-husband, has 54 children. This September my oldest son will become his only son to ever attend college.

In 2000, as Warren Jeffs increased his tyrannical hold on the F.L.D.S., all F.L.D.S. children were taken out of public schools and placed in "religious" schools. The focus

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moved from teaching reading, writing, and mathematics to Warren Jeffs' tapes which indoctrinated the children into such beliefs as these: If a man is instructed by the F.L.D.S. prophet to take the life of another human being he should do so in humility. Jeffs said that the black race was put on this earth to preserve evil. Warren Jeffs also said that any person who is born with as much as one drop of Jewish blood will never enter the kingdom of God. He said it is a privilege for a woman to obey her priesthood head (which is her father or her husband.) Because of the teachings on these tapes, the Southern Poverty Law Center, a non-profit watchdog group that monitors racism and fanatics in the U.S., has classified the F.L.D.S. as a hate group.

All school material had to be authorized and approved by Warren Jeffs, which meant the religious schools did not have access to normal educational textbooks. In the F.L.D.S. school my children attended, anyone with a college education was forbidden to teach. To the best of my knowledge, none of the "teachers" were certified and no standardized tests were ever given to measure a child's learning progress. This is creating a generation that is functionally illiterate. After we escaped five years ago and my children started in public schools, they were already at least three years behind academically.

In 2006, after Warren Jeffs was arrested, the "religious" schools in Colorado City and Hilldale were closed. Parents were told to keep their children home and pray for the destruction of "the wicked." Approximately 700 households of F.L.D.S. families were affected by this order and for the last two years, the majority of the F.L.D.S. children

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residing in Colorado City and Hilldale have not been registered for either home-schooling or religious schools. Their education has essentially stopped.

Since my departure from the F.L.D.S., I have learned that there are laws, both federal and state, that not only govern each child's right to an education but also require every child to attend school. I know now that federal and state governments provide money for this to happen. When the F.L.D.S. children were taken out of school, no one from the government followed up to see what had been done with the funds that were supposed to educate them or bothered to even verify that they were being educated.

When I first arrived in Salt Lake City, I received public assistance money that was conditioned on my children's regular attendance at school. In the F.L.D.S., many mothers receive public assistance for their children, but to the best of my knowledge, the children are not required to go to school to receive it. Also, based on my knowledge and experience, public assistance received for dependent children is often turned over to the head of the family. F.L.D.S. families are required to contribute substantial amounts of money monthly to the church leadership.

Transporting Young Girls Across State and International Borders for "Marriages"

In 1986, when I was 18, I asked to go to college and the prophet said I had to get married first. I was forced to marry Merril Jessop and became his fourth wife. I had my eight children in 15 years. Under the prophet at that time, Rulon Jeffs, Warren's father, the norm for marriage was 22. After Rulon's incapacitating stroke, Warren Jeffs began taking

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power and controlling marriages. He dropped the norm down to 18, and within two years it was lowered to 16. This was a problem in the community because most mothers, who had married at 18 or older, felt it was not healthy emotionally for their daughters to marry and have babies at such a young age.

Somewhere towards the end of 2001, Warren Jeffs started taking young girls who were between the ages of 14 and 16 from Colorado City, Arizona, and Hilldale, Utah, to a hotel Merril Jessop owned in Nevada to perform secret marriages. While not all men in the F.L.D.S. have plural marriages and engage in sex with underage girls, it's considered socially acceptable and religiously desirable behavior, especially under the leadership of Warren Jeffs.

In 2003, one of the main reasons I fled with my eight children was that Betty, my oldest daughter, was about to turn 14, the age at which young girls were being married. After I escaped, Merril subsequently married two 16 year-old girls; one was sent to him from an F.L.D.S. group in Canada and the other was sent from Hilldale, Utah, to his home in Colorado City, Arizona, to be his wife. I know this because Merril introduced both of these teenage girls to my children as his new wives.

A Special Program is Needed for F.L.D.S. Women Who Want to Leave

I speak truthfully and from firsthand experience when I say that I was not free to leave my husband or this religion. From the time I took my first steps away from Merril Jessop I needed legal protection.

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I did receive help from Mark Shurtleff, the Attorney General of Utah, shortly after I escaped because Dan Fischer, a successful Utah businessman and former F.L.D.S. member helped me get in touch with his office. Mark Shurtleff understood the gravity of my situation and understood that Merril Jessop, as one of the most powerful men in the F.L.D.S., would stop at nothing to discredit me. One lawyer who refused to take my case said, "They'll spend a million dollars trying to prove you're crazy."

However, this protection was short-lived once my custody case hit the court system. The case was treated as a normal child custody case rather than as one with extenuating circumstances I was given an order of protection against Merril because of his threatening behavior toward me but he was allowed full access to my children. On several occasions when he had my children for weekend visits, he would make them fast and pray that "God would take a heavy hand" with me. Merril brought them into our divorce which legally he was not supposed to do.

It took two and a half years before I received any housing assistance. Because of the number of my children, I did not qualify for low-income housing. The only housing I qualified for was Section 8 housing. I had to wait in line behind those who did qualify for low income housing but who were applying for Section 8 in order to upgrade their situation. My eight children, including my handicapped son, Harrison, and I spent a month in a homeless shelter.

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I was told by a state employee that I qualified, in terms of need, for refugee services. However, those services are only available for people coming from other countries. In other words, there is more help for a woman fleeing persecution from a Communist country than there is for a woman fleeing from polygamy.

Women leaving closed polygamous communities need physical protection, psychological intervention and emotional support for themselves and their many children. The need appropriate housing assistance. Most of what exists is for women with only 3 or 4 children

When I first fled, I felt like I had landed on another planet. I had only limited exposure to the outside world; a world I'd been brainwashed from birth to believe was evil. My rights to my own life and liberty were taken from me when I was forced to marry Merril Jessop. I never knew what it meant to feel safe until I was 35 years old and we went into hiding on the third day of freedom after our escape. It took me a year before I could think of myself as a person and not an object.

Polygamy is spreading throughout the western United States at a rapid rate. I do not oppose religious freedom. But I do oppose any religion that systematically deprives women and children of their Constitutional rights.

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I stand here today to ask the U.S. government to provide Federal oversight in closed F.L.D.S. communities so that F.L.D.S. members, who are seeking refuge, know where they can find a safe haven should they choose to leave.

I stand here today to ask the U.S. government to see that the laws of the land are as reliably and equally enforced in F.L.D.S. communities as they are in the rest of the United States.

I stand here today to ask the U.S. government to guarantee that a reasonable education be provided for F.L.D.S. children, the same as it is for other American children.

I stand here today to ask the U.S. government, my government, to "show up" for F.L.D.S. children the same as it does with respect to all other citizens, in the form of registrars, census takers, AFDC administrators, social workers, police who enforce law not religion, education administrators, tax collectors and auditors, OSHA and labor regulators and others whose role is to enforce the law and protect American citizens.

This would not be religious persecution, just equal protection and equal enforcement of the law.

Thank you for inviting me to testify before you today.

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SNOW, CHRISTENSEN & MARTINEAU

Rodney R. Parker

A Professional Corporation
10 Exchange Place, Eleventh Floor
Post Office Box 45000
Salt Lake City, Utah 84145-5000
Telephone (801) 521-9000
Facsimile (801) 363-0400
www.scmlaw.com

rparker@scmlaw.com
(801) 322-9134

July 31, 2008

HON SHELDON WHITEHOUSE
HART SENATE OFFICE BUILDING ROOM 502
WASHINGTON DC 20510

Re: *Senate Judiciary Committee, FLDS Hearing July 24, 2008*

Dear Senator Whitehouse:

I am enclosing the following documents which my clients request be added to the official record of the Judiciary Committee hearing held on July 24, 2008:

1. FLDS Church Policy Statement Regarding Marriage.
2. Legal History of Polygamy.
3. Affidavit of Alma Fischer Broadbent.
4. Affidavit of Alvin Fischer.
5. Affidavit of Carla Black Jessop.
6. Affidavit of Donna Bauer.
7. Affidavit of Jacob N. Jessop.
8. Affidavit of Jennifer Fischer.
9. Affidavit of Larena Black Bistline.
10. Affidavit of Marcia Barlow.
11. Affidavit of Marvin Fischer.

12. Affidavit of Melinda Fischer Jeffs.

13. Affidavit of Miryam Fischer Darger.

14. Affidavit of Miryam Fischer Holm.

15. Affidavit of Orlin James Black, Jr.

16. Affidavit of Rolene Fischer.

In addition, I request that my letter of July 21, 2008 to the Committee be made a part of the official record if it is not already. A copy is attached.

Thank you for your consideration.

Very truly yours,

Rodney R. Parker

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FLDS Church Policy Statement on Marriage

The church's policies regarding marriage have been widely misrepresented and misunderstood. Indeed, much of the misinformation circulating on this subject seems designed intentionally to fuel the flames of prejudice against the church.

The church's practices in this regard continue a long tradition of marriage in this country that would have been found to have been unremarkable in 19th century America. In the FLDS church all marriages are consensual. The church insists on appropriate consent, including that of the woman and the man in all circumstances.

Nevertheless the church is clarifying its policy toward marriage. Therefore, in the future, the church commits that it will not preside over the marriage of any woman under the age of legal consent in the jurisdiction in which the marriage takes place. The church will counsel families that they neither request nor consent to any underage marriages. This policy will apply church-wide.

The church believes in purity, cleanliness, and innocence. Our children and families are the cornerstones of our lives and our religion. We hope that this modest clarification in policy will alleviate recent concerns and allow the church and its families to reside in peace among our neighbors.

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A BRIEF LEGAL HISTORY OF UTAH LAW PROHIBITING BIGAMY AND POLYGAMOUS COHABITATION

BY RODNEY R. PARKER

It was a situation which echoes strongly of the present one: In the summer of 1873, Ann Eliza Young apostatized, divorced Brigham Young, and went on the lecture circuit. She claimed that "the superficial harmony of Young's households masked what was in fact a systematic torture of women, riven by jealousies, violence, and deception." S.B. Gordon, THE MORMON QUESTION 112 (2002). Popular writers of the time howled in both fictional and non-fictional accounts over the "enslavement" of women. Congressmen raged that the church "has elevated lechery to the dignity of a religious dogma, and burns incense upon the altars of an unhallowed lust." Cong. Globe, 42d Cong., 3d Sess. 948 (1873). Many argued that plural wives would escape if only they could, and built "safe houses" for that purpose. Id. at 164.

Then, as now, however, few plural wives attempted to "escape" their husbands. The safe houses stood largely empty, and those who came were more often leaving an incompatible relationship than escaping polygamy. As one of the first groups of women to be granted suffrage (in 1871), Mormon women consistently voted in favor of maintaining their local institutions. *Id.* at 97. They lied in court, they hid from authorities, they held rallies in favor of polygamy, and they even conducted public relations tours to Washington in defense of their faith. "[T]he recalcitrance of Mormon women battered theories of their involuntary sexual servitude." *Id* at 164. In response, antipolygamists asserted that Mormon women were controlled in every aspect of their lives, and that the whole structure of marriage in the territory must be destroyed in order to destroy the power polygamous men held over their wives.

Even Blackstone's assumptions about polygamy in 1783 were the result of a narrow consideration of social history and the superiority of western Christian ideals:

> For polygamy can never be endured under any rational civil establishment, whatever specious reasons may be urged for it by the eastern nations, the fallaciousness of which has been fully proved by many sensible writers: but in northern countries the very nature of the climate seems to reclaim against it; it never having obtained in this part of the world . . . .

4 Blackstone, COMMENTARIES ON THE LAWS OF ENGLAND 163-64 (1783).

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Utah's bigamy statute is an archaic result of the bitter struggle for statehood, and the concomitant (and nearly successful) attempts by the federal government in the late 1800s to destroy the Mormon church. Mr. Holm subscribes to the teachings of the 19th century Mormon church as they relate to familial relations and procreation. Therefore, an examination of the history of the bigamy laws and plural marriage in this State is appropriate and necessary for a proper exposition of the issues in this case. It is a tale of legal persecution, majoritarian high-handedness, and intolerance cloaked in the disguise of morality that would be positively shocking if it were to occur today.

The principle of plural marriage was revealed to Joseph Smith in 1843. It is published in DOCTRINE & COVENANTS § 132.

> The revelation proclaimed that the marriage of one man to more than one woman was "justified" by the example of Abraham. In these latter days, the heirs of Abraham were once again commanded to work "for their exaltation in the eternal worlds" (that is, the states of heaven) by siring "the souls of men." Men called upon to enter the celestial principle were thus sanctified in their union with additional "virgins," in the interest of procreation by righteous patriarchs as of old. . . . The new covenant of celestial marriage celebrated on earth would endure for eternity, governing relations in heaven as in life, and dictating the degree of exaltation achieved in the afterlife. Only marriage celebrated in accord with the revelation would endure after death, and "whatsoever things" that did not conform to God's Words "shall be shaken and destroyed."

Gordon, *supra*, at 22 (2002). The early Mormon church, and the fundamentalists today, believe that the highest of the three orders of heaven can be attained only by living the law of celestial, or plural, marriage. D&C § 131; 9 JOURNALS OF DISCOURSES 322 (statement of Brigham Young, July 6, 1862). The purpose of plural marriage is procreation, not sexual gratification. 9 JOURNALS OF DISCOURSES 36 (statement of Brigham Young, April 7, 1861).

The revelation remained secret for nearly ten years, but rumors that the Mormons were engaged in polygamous marriages fueled the persecution that eventually drove the Mormons west to what was then Mexico in 1847. Two years later, Mexico ceded the area to the United States following the Mexican-American War. The religiously cohesive nature of the Mormon settlers resulted in a theocratic government until Mormon church leaders established a civil form of government in March 1849. *Society of Separationists, Inc. v. Whitehead*, 870 P.2d 916, 921-22 (1993). The citizens of the region thereafter adopted and ratified a constitution,

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styled the Constitution of the State of Deseret, as a bridge until the United States Congress could establish law in the territory. *Id.*

In July 1849, the Deseret Legislature met for the first time and immediately petitioned Congress for statehood. *Id.* at 922. The legal climate of the time sheds light on their actions. The persecution of the Mormons in Illinois and Missouri occurred despite local laws that should have protected them, and in spite of the national constitution's guarantees of religious freedom. The Mormons had learned that federal guarantees did not bind the states, and that protection of the Mormons' religious freedom and, importantly, control over the legal institution of marriage were matters exclusively within the control of the states. Statehood held the promise of release from the persecution that had tormented the Mormons, and the promise of control over the institutions of the law. *See* Gordon, *supra*, at 108-10.

The first petition for statehood failed. A political compromise in 1850 resulted in the admission of California into the Union as a "free" state, with Utah and New Mexico given territorial status instead. J. Flynn, *Federalism and Viable State Government—The History of Utah's Constitution*, 1966 UTAH L. REV. 311, 316. As the law of the time also viewed slavery as a creature of local law, federal control over the territory meant that the balance of power in Congress would not be changed. In 1852, the church publicly announced and advocated the practice of polygamy as a religious ordinance, prompting intense legal and political opposition outside the territory. *Society of Separationists*, 870 P.2d at 923. Additional attempts at statehood failed in 1856, in 1862 at the outbreak of the Civil War, and in 1867. By that time, the primary obstacle to statehood had become polygamy. Gordon, *supra*, at 111; Flynn, *supra*, at 316, 318.

It was the law's view that slavery and domestic relations were both matters of local concern, however, that held the legal keys to the undoing of Utah's aspirations for statehood and the eventual destruction of the practice of polygamy. Nevertheless, because the influence of the Mormon church was predominant in early Utah, plural marriages were initially treated as valid in the territory. There were no territorial laws regarding marriage. See Testimony of Mr. Ferry, H.R. 4156, Admission of the State of Utah, 50th Cong. 2d Sess., March 2, 1889, at 102. Thus, the act incorporating the Mormon church, by which the rules of the church were recognized as valid, initially governed marriage in the territory. 1852 Laws of Utah p. 136 § 3. The territorial inheritance laws also recognized the rights of plural family members as co-equal with traditional family members. 1851 UTAH LAWS §§ 24 and 25, at 71; 1872 UTAH LAWS ch. 17, § 3, at 27.

Following the failure of the 1862 attempt to obtain statehood, Congress put to rest any notion that the Civil War had diverted attention from the Mormons and polygamy when it adopted the Morrill Antibigamy Act, a move specifically de-

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signed to "attack polygamy and the Mormon Church." *Society of Separationists*, 870 P.2d at 924. Among other things, the Morrill Act prohibited plural marriages in the territories, disincorporated the Mormon church, and restricted the church's ownership of property to $50,000. Morrill Act, ch. 126, 12 Stat. 501 (1862) The Morrill Act was ineffective, in large part because local probate courts, established by the Mormons in the 1850s, had original jurisdiction in civil and criminal cases, and the local marshal, rather than a federal official, drew the jury lists. Gordon, *supra*, at 111.

In 1872, bolstered by Nevada's successful petition for statehood, delegates from the Utah territory submitted yet another statehood petition to Congress, this time with a constitution modeled after the document submitted by Nevada as part of its successful campaign. *Society of Separationists*, 870 P.2d at 924. Nevertheless, admission to the Union was again denied because the new constitution failed to abolish polygamy—making clear again that polygamy was the primary roadblock to statehood. *Id.* at 924-25.

In 1874, Congress attempted to more directly assert federal control in Utah Territory. Despite intense opposition from Mormons in Utah, Congress passed the Poland Act, ch. 469, 18 Stat. 253 (1874), which reduced the powers of the territory's probate judges and provided for jury pools to be selected by federal officers. In response to resultant pressure on Mormon leaders by emboldened federal prosecutors, Mormons decided to construct a case to test the constitutionality of the Morrill Act. In the spring of 1875, George Reynolds was convicted of bigamy and sentenced to imprisonment for a term of two years at hard labor.

Mr. Reynolds and the church turned to the United States Supreme Court to find support for the free exercise of their faith, including the right to practice polygamy. However, in *Reynolds v. United States*, 98 U.S. 145 (1878), the Court upheld the constitutionality of the Morrill Act against a free exercise challenge, rejecting Mr. Reynolds' claim that Congress' prohibition of polygamy in the territories ran afoul of his constitutional rights to the free exercise of his religion. In an opinion that foreshadowed the Court's later explicit reliance on principles of Christianity in upholding laws targeting Mormons, the Court reasoned:

> Polygamy has always been odious among the northern and western nations of Europe, and, until the establishment of the Mormon Church, was almost exclusively a feature of the life of Asiatic and of African people.

98 U.S. at 164.

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In 1882, emboldened by the *Reynolds* decision upholding antipolygamy laws, Congress passed the Edmunds Act, ch 47, 22 Stat. 30 (1882). The Edmunds Act amounted to a series of amendments to the Morrill Antibigamy Act. Senator Edmunds acknowledged that the purpose of the law was "to exterminate polygamy in Utah." George F. Edmunds, "Political Aspects of Mormonism," *Harper's Magazine* 64 (January 1882): 287. The Act targeted polygamy by undermining the control the Mormon church held over institutions of public power in the Utah territory. The Edmunds Act created the new offense of "unlawful cohabitation," and stripped polygamists of their rights to vote, to serve on juries, and to hold public office.

The Mormons again sought refuge from these federal laws in statehood. They assembled in 1882 yet another constitutional convention with hopes that statehood would provide a means of avoiding the growing federal antipolygamy legislation, which applied only to the territories. *Society of Separationists*, 870 P.2d at 926. The church also saw statehood as a vehicle for avoiding the *Reynolds* decision's interpretation of First Amendment jurisprudence, which had not yet been deemed to apply to the states through the Fourteenth Amendment. The 1882 convention drafted a constitution similar to the 1872 version and introduced it before the House of Representatives in June 1882. In keeping with what had become an established historical trend, the 1882 petition died in committee. *Id.*

With Mormons excluded from juries and prohibited from voting as a result of the Edmunds Act, polygamists increasingly faced criminal indictments in the federal courts. Once again, the church turned to the Supreme Court for protection. The Court dealt the Mormons additional setbacks, however, when it upheld the disenfranchisement of polygamists, *Murphy v. Ramsey*, 114 U.S. 15, 44-47 (1884), and criminal convictions for polygamy and cohabitation under the territorial Acts. *Cannon v. United States*, 116 U.S. 55, 78-79 (1884); *Clawson v. United States*, 114 U.S. 477, 487-88 (1884).

In 1887 Congress dealt a "final, devastating blow to the Mormon Church" when it passed the Edmunds-Tucker Act, designed to eradicate polygamy by compromising the viability of the Mormon Church. *Society of Separationists*, 870 P.2d at 926-27. The Edmunds-Tucker Act, ch. 397, 24 Stat. 635 (1887), created the crimes of fornication and adultery, opening the door to prosecution of women participating in plural marriages. The Act annulled the church's charter, escheated the church's property, and turned control of the territory over to the non-Mormon minority by requiring an oath of obedience to the Edmunds Act as a prerequisite to voting. The Act further directed that all Church property not exclusively devoted to the worship of God was to be sold, with the proceeds used to support public schools in the territory. Openly acknowledging the Act's purpose to destroy the Mormon church, Rep. Tucker averred, "We dissolve tribal relations of the Indians in order to

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make the Indian a good citizen; so we shatter the fabric of this church organization in order to make each member a free citizen of the Territory of Utah." 49 Cong., 2d sess. 694.

The territory organized another convention and adopted a new constitution in July 1887. The new constitution included for the first time a provision prohibiting polygamy and making it a misdemeanor. The 1887 constitution also provided that any amendment to the polygamy ban would have to be approved by the President of the United States and Congress. Outside Utah, however, this statehood proposal was viewed as a ploy to return control of polygamy prosecutions to loyal state prosecutors. Gordon, *supra*, at 213.

The Senate Committee on Territories considered the 1887 constitution and supporting materials in early 1888, and submitted a resolution to the full Senate, stating in relevant part:

> [I]t is the sense of the Senate that the Territory of Utah ought not be admitted into the Union as a State until it is certain beyond doubt that the practice of plural marriages, bigamy, or polygamy, has been entirely abandoned by the inhabitants of said Territory and until it is likewise certain that the civil affairs of the Territory are not controlled by the priesthood of the Mormon Church.

19 Cong. Rec. 433, 2391 (1888).

Meanwhile, legal challenges to the Edmunds-Tucker Act made their way through the courts. In *Davis v. Beason*, 133 U.S. 333, 348 (1890), the Court upheld disenfranchisement of those in the Idaho territory who taught or advocated religious polygamy. Then, in *Late Corporation of the Church of Jesus Christ of Latter-day Saints v. United States*, 136 U.S. 1 (1890), the Court delivered the final blow, upholding confiscation of Church property under the Edmunds-Tucker Act. The Court characterized religiously based polygamy as "a nefarious system . . . repugnant to our laws and to the principles of our civilization . . . ." 136 U.S. at 49. Referring to the church's missionary work, the Court said, "[t]he existence of such a system of propaganda is a blot on our civilization. The organization of a community for the spread and practice of polygamy is, in a measure, a return to barbarism. It is contrary to the spirit of Christianity and of the civilization which Christianity had produced in the Western world." *Id.* The Court concluded that the church was dedicated to the overthrow of civilization through the corruption of marriage, and this conduct justified its destruction. *Id.* at 63-64.

The church's very existence now could be saved only by renouncing the practice of polygamy. Flynn, *supra*, at 321. Four months after the Supreme Court

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decision in *Late Corporation*, church President Wilford Woodruff officially announced the end of polygamy as a Mormon practice in a document popularly known as the "Manifesto." President Woodruff acknowledged that the Manifesto was a direct response to these pressures:

> The question is this: Which is the wisest course for the Latter-day Saints to pursue—to continue to attempt to practice plural marriage, with the laws of the nation against it and the opposition of sixty millions of people, and at the cost of the confiscation and loss of all the Temples, and the stopping of all the ordinances therein, both for the living and the dead, and the imprisonment of the First Presidency and Twelve and the heads of families in the Church, and the confiscation of personal property of the people; . . . or, after doing and suffering what we have through our adherence to this principle to cease the practice and submit to the law . . . .

Deseret Weekly, Nov. 14, 1891 (statement at Cache Stake Conference, Logan, Utah, Sunday, November 1, 1891). The Mormon-dominated Utah territorial legislature thereafter further strengthened church claims that polygamy was no longer accepted in the territory when it criminalized the practice and related conduct in 1892. *Society of Separationists*, 870 P.2d at 927-28.

These actions had their intended result, as both houses of Congress passed a bill the following year providing for Utah's admission to the Union. *Id.* at 928 n.25. Legislation was simultaneously introduced to restore church property seized under the Edmunds-Tucker Act. *Id.* Passage of the bill allowing statehood finally signaled that "the renunciation of polygamy by the Mormon Church had been accepted by Congress." *Id.* at 928.

President Grover Cleveland signed the Utah Enabling Act into law in July 1894. *Id.* One section of the Act required that Utah's constitution include various provisions, "collectively known as the 'ordinance,' which were irrevocable without the consent of the United States and the people of Utah." *Id.* The "irrevocable ordinance" was then incorporated in Article III of the Utah Constitution, which remains unmodified today:

> First:—Perfect toleration of religious sentiment is guaranteed. No inhabitant of this State shall ever be molested in person or property on account of his or her mode of religious worship; but polygamous or plural marriages are forever prohibited.

The polygamy prohibition enacted by the Territorial Legislature in 1892 remained essentially unchanged until 1935, providing in relevant part that, "[i]f any

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male person, hereafter cohabits with more than one woman, he shall be guilty of a misdemeanor." 1892 UTAH LAWS ch. 7, § 2. Upon Utah becoming a state, the territorial statute became a law of the State of Utah, with minor alterations in language but without alteration in meaning, and was codified at Sec. 4209 of R.S.U. (1898). *See State v. Barlow*, 153 P.2d 647, 651 (Utah 1944). In 1933, the provision was incorporated into Sec. 103-51-2, R.S.U., with the original language employed in the 1892 statute. The provision was again amended in 1935 to make polygamy a felony.

In its current form, which dates to 1973, cohabitation is now part of Utah's bigamy statute, which provides:

> (1) A person is guilty of bigamy when, knowing he has a husband or wife or knowing the other person has a husband or wife, the person purports to marry another person or cohabits with another person.
>
> (2) Bigamy is a felony of the third degree.
>
> (3) It shall be a defense to bigamy that the accused reasonably believed he and the other person were legally eligible to remarry.

UTAH CODE ANN. § 76-7-101. The only notable change in the substance of the law since 1892 is that the statute now provides an express defense to prosecution where the accused reasonably believed both parties were legally eligible to remarry—providing, in essence, a mistake of fact defense for individuals who believed they were legally divorced or believed their spouses were deceased. *Id.*

No written legislative history exists for any of the various bigamy or polygamy provisions, and recordings maintained by the State of the 1973 floor and committee discussions concerning the codification of the current statute are generally inaudible. The dearth of legislative history surrounding Utah's plural marriage statutes is confirmed, at least in part, by dicta contained in *Potter v. Murray City*, 760 F.2d 1065 (10th Cir. 1985), in which the Tenth Circuit relied on representations submitted by "counsel for the State of Utah" (presumably the Attorney General) that:

> As nearly as I can determine at this point, Utah has never seriously considered on a policy basis whether these particular laws [prohibiting polygamy] are wise or not. Utah has not had occasion, because of the federal mandate reflected in the Constitution, to give public policy consideration to these particular issues.

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760 F.2d at 1069 n.5.

It is deeply ironic that those who violate nineteenth century mores in the name of religion lack the protection now afforded those who do the same thing in the name of choice, personal freedom, or lifestyle. In a thorough study published in 1996, professors Irwin Altman and Joseph Ginat concluded:

> [S]ome of these new forms of close relationships—including plural families among contemporary Mormon fundamentalists—are here to stay in American and Western society. They are not likely to "go away;" they are not fads or fancies; they are not aberrations. They will be part of the family life scene well into the future.
>
> We must therefore learn about them, learn from them, and even help people live the lifestyles of their choice. Doing so increases the probability that participants in emerging forms of close relationships will contribute to the well-being and quality of life in American society at large. Not doing so, and viewing these family lifestyles as inherently immoral, wrong, and unacceptable, increases the probability that American society will fragment, with a declining sense of community and civility in our public and private lives.

I. Altman and J. Ginat, POLYGAMOUS FAMILIES IN CONTEMPORARY SOCIETY 444-45 (1996).

C \DOCUMENTS AND SETTINGS\RRP\DESKTOP\LEGAL HISTORY OF POLYGAMY DOC 7/31/08

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AFFIDAVIT OF ALMA BROADBENT

STATE OF UTAH §
COUNTY OF SUMMIT §

BEFORE ME, the undersigned authority, on this day personally appeared ALMA BROADBENT, who being by me duly sworn, made the following statements and swore that they were true:

"My name is ALMA BROADBENT, and I am above the age of eighteen (18) years and am competent and able to testify to all of the facts and allegations contained in this affidavit. I further state that I have personal knowledge of all of the facts contained therein and that the same are true and correct.

"I was born in Sandy, Utah, in 1984 to Dan Fischer and his third wife Marcia Barlow. I lived there until 1993. In my younger years I remember Dan being gone on business most of the time. My mother was under the necessity of working during the day. While she was at work, Dan allowed my sister Miryam and myself to be locked in our room in the basement by one of his other wives until mother came home. In some cases we would climb out the window. When we were caught we were beaten and taken back to our room.

"My most vivid memories are of business parties where Dan invited Foreigners from other countries to his house quite often. Dan and his second wife Aleena strictly prohibited us from being seen by his guests, so we were to stay in our rooms for the day. There were many children of Dan's at these parties, but they were told, 'You will call Aleena, Dan's second wife, "Mom" and Jean, Dan's first wife, "Aunt Jean" because we can't let anyone know we are polygamists, and Marcia and her children will stay in their rooms.'

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"At one time He had a Russian woman. Lilla, staying at our home for more than a month. And as always, all of the children were told to call Aleena 'Mom' and Jean 'Aunt Jean,' as well as my mother, 'Aunt Marcia.' Not too long after she came, she caught little hints that I was not Aleena's and asked me while among the other children, 'Who is your mom?' I said, 'Aleena.' One of the other children snapped, 'No she's not, Marcia is!' Lilla then turned to me and asked if I knew who my mother was. So after the first few days she had figured out what was going on.

"A particular memory I have of Dan personally was whenever I would wet the bed he would take me over his knee, bare my backside, and whip me with his leather belt. And wetting the bed was not a seldom thing for me. On at least two instances I remember he did this at his business, Ultradent, in front of all of his employees. Dan commanded mother to tell him every time I wet the bed. After some time of this going on, mother did all she could to avoid telling him about it. Miryam and I learned to stick up for each other, in many cases to try to take the other's punishment.

"Among his family the name 'Barlow' was a degrading name to call someone. I know that God had a purpose in it all. I forgive him and his other wives. But to falsely accuse a people of the kind of abuses and immoralities he has with no evidence, and not mention his own abusive actions is much like someone trying to hide their own faults by accusing others of the very thing they themselves are guilty of."

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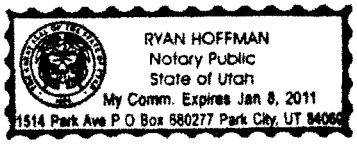
SIGNED ON THIS 25th day of July 2008.

ALMA BROADBENT, Affiant

SIGNED under oath before me this 25th day of July 2008



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NOTARY PUBLIC, STATE OF UTAH

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AFFIDAVIT OF ALVIN E. FISCHER

STATE OF UTAH §
COUNTY OF WASHINGTON §

BEFORE ME, the undersigned authority, on this day personally appeared ALVIN E. FISCHER, who being by me duly sworn, made the following statements and swore that they were true:

"My name is ALVIN E. FISCHER, and I am above the age of eighteen (18) years and am competent and able to testify to all of the facts and allegations contained in this affidavit. I further state that I have personal knowledge of all of the facts contained therein and that the same are true and correct.

"In 1973-74, when I was around 10 years of age, my little brother and I went to stay with my brother Dan Fischer in Loma Linda, California, where Dan was attending dental school. While there I was shocked at the severity of the punishments he administered to his little children. The removal of privileges or a swat on the bottom was not enough. Dan had to spank them repeatedly or kick them so hard that it would throw the child several feet. Sometimes if crying did not stop, he would cover their mouth and nose in a suffocating way to force the child to stop crying.

"In 1986 I moved to Salt Lake City to work for Dan Fischer at Ultradent. I had a close relationship with his family. I went on family outings and worked in the business with his children under his supervision. I witnessed many severe fights, almost weekly, between Dan and his wives. I learned quickly it was Dan's way or the highway.

"I managed manufacturing and wrote many of the first Standard Operating Procedures under the FDA guidelines for dental materials. I found it very difficult to be in compliance unless it was Dan's idea to do so. He would say, 'Until we are forced to

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do it, we won't do it.' This was of great concern to me because the purpose of the FDA guidelines was to insure safe and dependable products. On this subject I received my most severe tongue lashing from Dan in my career at Ultradent.

"The building we worked in was on Dan's personal 5-acre lot on Dimple Dell Rd. next to his personal home. I witnessed several instances of severe child abuse, physical beatings and very often verbal abuse—tearing down children and threatening them with punishments of either being beaten or being kicked out if HIS will was not met.

"On one such instance I watched his young son about 3 years old go behind a bush and use the bathroom. Dan immediately came storming out of his house and began kicking him. He would kick him so hard the child would go up into the air 4 or 5 feet. This he repeatedly did up to 8 times. Another time I witnessed his young child writing on the wall. He came up behind her and jerked her so harshly back that it had a whiplash effect on her. Then he commenced to spank and spank her over and over. It didn't matter if extra family or friends were around; he often humiliated his children in public. In general everyone feared to cross his path or challenge him in any way.

"This stressful environment contributed greatly to my leaving the company and going to other work. In all of his family difficulties, I always tried to encourage the family to find peace and work together.

"1987-1990

"While I worked at Ultradent, Dan's wife Aleena befriended my wife Rolene. During the relationship Aleena was always pressuring Rolene into being what Aleena wanted her to be, contrary to the life we were trying to live at the time. One time Aleena gave her some Playboy magazines to have me look at so she could have more of what she 'wanted.' This I learned was a regular practice between Dan and Aleena.

Alvin E. Fischer—Affidavit—page 2

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"I learned that when I was out of town Aleena threw parties for her friends. Alcohol and drunkenness were the rule, not the exception. At one party my wife Rolene got drunk and became the party 'fool' at the hands of Aleena. The effects of rough abuse at this party were felt by her for a long time afterward. Physical contact with other males did happen at these parties, to what extent I was never told. Aleena often spoke of her infatuation with Peter Aaron, a Swedish dental dealer. At one party our one-year-old daughter was given alcohol until she was intoxicated. She then was given her chocolate cake to make a mess of while everyone laughed. When I finally pulled my family away from Aleena's 'entertainments,' she became very angry and accused me of being 'controlling.' This feeling carried on for many years after I had left Ultradent.

"In 2001 I had a lot of unrest come up in my family and found out Aleena had been speaking to my wife Rolene and telling her how terrible I was and that she ought to leave me. Up to this point I had mostly peace in my family. I learned later that Dan had personally called Rolene and offered her money and a place to live if she would leave me. I later asked Dan about this phone call, and he admitted it did happen.

"Under false accusations of abuse, Dan convinced my wife to file a restraining order against me so she could quickly gain full custody of the children. This was dismissed when heard by the judge. All this resulted in a divorce from my wife and the partial breakup of my family, which Rolene regrets to this day. Dan had our brother Shem make sure that he was on call to Rolene to keep her from working out our differences. He didn't want our family to be together.

"I know of at least two other instances where Dan and Aleena tried to break up families. When I was speaking to Dan about the phone call to Rolene, he told me that all this could be solved if I would join them and deny Warren Jeffs and denounce my faith. I

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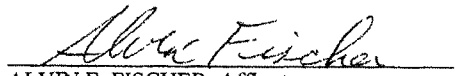
found he held my wife and children hostage to get me to give up what I believed. This is the same tactic he is counseling Texas to use today.

"While working at Ultradent, I had many personal conversations with Dan and witnessed the contentions he had with Warren Jeffs, then the principal at Alta Academy, where Dan's children attended school. Dan often complained about the rules and dress code that Warren encouraged under his father's direction. Yet he would not put his children into other schools but wanted Warren to change the rules to more liberal desires.

"On one occasion Dan purchased several hundred dollars worth of acid-washed denim cloth to convince Warren and Uncle Rulon it was fine to wear instead of following the normal dress code. Uncle Rulon held the line to the dress code, greatly infuriating Dan. Dan blamed this decision on Warren. He made the statement to me, 'Warren Jeffs is an evil man, and I am going to do all I can to put him out of society.'

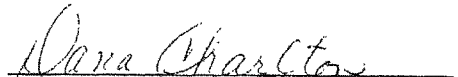
"In a lot of our private conversations, Dan always expressed how important it was that he hold his family together until they were grown, and then it didn't matter what happened. Now here he is trying to break up other families wholesale style."

SIGNED ON THIS 30th day of July 2008



ALVIN E. FISCHER, Affiant

SIGNED under oath before me this 30th day of July 2008



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AFFIDAVIT OF CARLA BLACK JESSOP

STATE OF ARIZONA §
COUNTY OF MOHAVE §

BEFORE ME, the undersigned authority, on this day personally appeared CARLA BLACK JESSOP, who being by me duly sworn, made the following statements and swore that they were true:

"My name is CARLA BLACK JESSOP, and I am above the age of eighteen (18) years and am competent and able to testify to all of the facts and allegations contained in this affidavit. I further state that I have personal knowledge of all of the facts contained therein and that the same are true and correct.

"I lived in Dan Fischer's home for three years, 1990-1993, sharing a room with Dan's daughters and working at Ultradent and in the dental office. Coral Jean and Leenie, Dan's wives, are my aunts. I also lived the two summers before this at Dan's home.

"I remember the incident of Melinda being whipped for talking on the phone with a boy. The whipping went on for at least 3 or 4 hours late into the night. I was in the room across from Dan's bedroom with a couple of his other daughters. Dan and Jean were calling Melinda a whore and a slut and screaming at her. Dan also said that if she wanted F'd he could get a couple of men in there and give it to her. Dan's daughter Sara was probably about 9 or 10. She wanted to help Melinda and go in and tell her parents to stop. My sister Angelene was in the room for a while because she was caught being with Melinda. They called her a whore and told her if she was their daughter they would have

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whipped her too. I didn't know what to say to Melinda after because I felt if I talked to her or felt sorry for her we would be punished too.

"I was there around the time Marcia left and remember thinking it was about time. The family did not treat Miryam and Alma or Marcia as family. Dan had no relationship with Miryam and Alma. The rest of the family called them Barlows and would not accept them as Fischers. I remember Dan at the dinner table one night asking who had made the bread. When someone said that Marcia had, he would not touch it.

"The last person I saw or talked to in Dan's family was Aleena. I was up there after the birth of my second child. Aleena told me Dan had set up a bank account for Miryam and Alma. My son is 13 now, so it was after he was born. Aleena said Marcia did not know about the bank account."

SIGNED ON THIS 30th day of July 2008

Carla B. Jessop

CARLA BLACK JESSOP, Affiant

SIGNED under oath before me this 30th day of July 2008

Rosaleta White

NOTARY PUBLIC, STATE OF ARIZONA

ROSALETA WHITE
Notary Public - Arizona
Mohave County
My Comm. Expires Oct 3, 2011

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AFFIDAVIT OF DONNA BAUER

STATE OF UTAH §
COUNTY OF WASHINGTON §

BEFORE ME, the undersigned authority, on this day personally appeared DONNA BAUER, who being by me duly sworn, made the following statements and swore that they were true:

"My name is DONNA BAUER, and I am above the age of eighteen (18) years and am competent and able to testify to all of the facts and allegations contained in this affidavit. I further state that I have personal knowledge of all of the facts contained therein and that the same are true and correct.

"I was friends with Dan Fischer's daughters Sara and Terra. When I was sixteen, they invited some friends and me over to watch videos and to have a slumber party. After Dan and Leenie went out for the night, we rented an R-rated horror movie, which was against the rules. While we were watching the movie, Dan and Leenie returned home in a drunken state, carrying a wine bottle. We quickly flipped off the television and tried to hide the movie. Dan saw us do this and became enraged. He started yelling at us, saying he knew what we had done and to give him the video.

"We gave him the video, and he walked into his room with it. Moments later he returned, swearing and cursing at us. He was so upset he couldn't think straight. He kept walking in and out of the room, waving his arms and yelling. I started crying at this point. I was shocked that someone could be so out of control. Finally Sara yelled back at him, saying, 'Damn it, Dad, you're scaring the hell out of my friends.' He went back to his room, and I told Sara I was going home, that I was not staying there.

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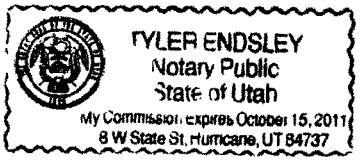
"Dan returned back into the room where I was still crying and said, 'Come on back into the living room. Let's have an enjoyable time. I've got some treats and things.' He passed out apples and candy. I was still terrified, and even though it was after midnight and Sara tried to persuade me to stay the night, I returned home."

SIGNED ON THIS 28th day of July 2008

DONNA BAUER, Affiant

SIGNED under oath before me this 28th day of July 2008

NOTARY PUBLIC, STATE OF UTAH



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July 27, 2008

To the Senate Judiciary Committee July 24, 2008

Affidavit of Jacob N. Jessop

On July 24 2008 I was watching a report about the Senate Judiciary hearing on CSPAN-3 wherein I heard Steven Singular report that JNJ Engineering Construction has a "deal with Las Vegas Valley Water District for $11.3 million".

I am the President of JNJ Engineering Construction and I know that this statement of Mr. Singular is not true.

JNJ Engineering Construction does not currently have any contracts with the Las Vegas Valley Water District. We have, however done work for them in the past, all of which was obtained by competitive bidding process. The dollar value and dates are as follows:

Value	Finish date
$ 798,032	September 2004
623,625	December 2004
683,066	January 2005
415,024	April 2005
706,755	September 2005
349307	November 2005
1,622,230	December 2005
366,905	August 2006
457,237	November 2006
682,990	February 2007
2,654,231	June 2007
646,994	September 2007
810,032	October 2007
767,168	November 2007

I would like to set the record straight in this matter. I swear under penalty of perjury to the facts in the above matter.

Jacob N. Jessop Affiant Jacob N. Jessop

Sworn to me this day July 28, 2008

Notary: Villa Holm

VILLA HOLM
Notary Public - Arizona
Mohave County
My Comm. Expires Apr 7, 2010

AFFIDAVIT OF JENNIFER FISCHER

STATE OF ARIZONA §
COUNTY OF MOHAVE §

BEFORE ME, the undersigned authority, on this day personally appeared JENNIFER FISCHER, who being by me duly sworn, made the following statements and swore that they were true:

"My name is JENNIFER FISCHER, and I am above the age of eighteen (18) years and am competent and able to testify to all of the facts and allegations contained in this affidavit. I further state that I have personal knowledge of all of the facts contained therein and that the same are true and correct.

"A few years after I was married, I went with Alvin up to Salt Lake City to install some cabinets in Dan Fischer's home. While I was there, I witnessed children down to 9 years of age drinking beer. They were 'having a party.'"

SIGNED ON THIS 30th day of July 2008

Jennifer Fischer
JENNIFER FISCHER, Affiant

SIGNED under oath before me this 30th day of July 2008

Rosaleta White
NOTARY PUBLIC, STATE OF ARIZONA

ROSALETA WHITE
Notary Public - Arizona
Mohave County
My Comm. Expires Oct 3, 2011

AFFIDAVIT OF LARENA BLACK BISTLINE

STATE OF ARIZONA §
COUNTY OF MOHAVE §

BEFORE ME, the undersigned authority, on this day personally appeared LARENA BLACK BISTLINE, who being by me duly sworn, made the following statements and swore that they were true:

"My name is LARENA BLACK BISTLINE, and I am above the age of eighteen (18) years and am competent and able to testify to all of the facts and allegations contained in this affidavit. I further state that I have personal knowledge of all of the facts contained therein and that the same are true and correct.

"I lived in Dan Fischer's home for 6 years, 1984-1990, right with his family. It was not at all like my father's family. I was not used to all the fighting. The children were all scared that their father and the mothers would start fighting if they were not good, so they would try to make them happy. It was real sad to see these children trying to make it all better.

"The children said that as soon as they were old enough to go out on their own they were going to leave. They didn't like all the screaming and fighting. Leenie often left after a fight; her children lived in fear that she would never come back.

"I remember being awakened one night by fighting, yelling, and screaming. Dan was mad at Jean and accused her of doing something she didn't do. He threw things at her. Jean threw her wedding rings on the floor and said she didn't wand to be married anymore. Dan and Leenie told me and all the crying children to go to bed. The next

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morning Jean had moved down south to Colorado City, saying she would not be back. She did not return for a year.

"I remember Dan and his wives fighting at night a lot. Sometimes after the fighting Dan would find his daughters and ask them if they were going to stay with him or go with their mother. Some of the time when I was with the girls they would say, 'Will you hide us so our father cannot find us.' Some of the time I would hold them as they would cry.

"Some of Dan's children told me that if this is an example of what plural marriage was like they did not want to live it. They told me that a lot.

"I remember Dan and his wives saying that they were mad at his father for the way he treated his wife Rachel, Dan's mother. They said that he was the one responsible for her mental breakdown. They were also mad at him for going after Robyn Fischer and marrying her because he was her guardian. But when his father went to the Prophet about the things he did and his family was taken from him, it made them mad. They said that he was letting the women run the family and that he made up the story about the problems. It was as if they were not happy at him no matter what he did.

"I was living at Dan Fischer's home at the time that he caught Melinda and my sister Angie on the phone with some boys. He took them into the living room, and he and Leenie and Jean started to question them. He asked them the name of the boy and how long they had been calling the boy. The girls did not tell him, and it made them mad. They started yelling and screaming at them and calling them whores and sluts. Dan called my mother and father to come and get my sister, and they told her that if she was their daughter they would have beat her too.

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"At this point they took Melinda into her father's room. All the children were crying. We could hear them beating and whipping her, and they were still calling her bad names. We could tell by the sound that they were whipping her with a belt and with their hands. I heard him say if she wanted it that bad then he could find some boys to do her right there. All the other children were scared and started to ask when it would be over. Some of the children wanted to go and make their father stop hurting her. They did this till long into the night; we could not sleep.

"For a couple of years after this, she was treated like a criminal—no phone calls, no driving, no school, no more work in the dental office. She was questioned any time she was late.

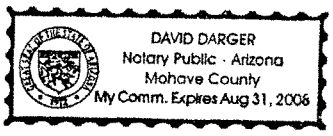
"I did not talk to Melinda about this night because I was scared that they would hurt her more and that they would be mad if they knew that I was with Melinda five minutes before they caught her. But I wish that there was something I could have done to help her and something I could have said to make it better."

SIGNED ON THIS 30th day of July 2008

LaRena Black Bistline

LARENA BLACK BISTLINE, Affiant

SIGNED under oath before me this 30th day of July 2008



David Darger

NOTARY PUBLIC, STATE OF ARIZONA

LaRena Black Bistline—Affidavit—page 3

AFFIDAVIT OF MARCIA BARLOW (BROADBENT)

STATE OF ARIZONA §
COUNTY OF MOHAVE §

BEFORE ME, the undersigned authority, on this day personally appeared MARCIA BARLOW (BROADBENT), who being by me duly sworn, made the following statements and swore that they were true:

"My name is MARCIA BARLOW (BROADBENT), and I am above the age of eighteen (18) years and am competent and able to testify to all of the facts and allegations contained in this affidavit. I further state that I have personal knowledge of all of the facts contained therein and that the same are true and correct.

"I married Dan Fischer in 1981 as his third wife. In Dan's family there was continual fighting. It was against the way I had been raised for a father and the mothers to fight, scream, and hit. I never saw my parents fight or say ugly words to each other and never heard one mother make a derogatory remark about another.

"In Dan's home, I would be asleep at night and wake to horrible screaming and banging on the floor upstairs. Then the next morning Leenie or Jean, his other wives, would hide in their rooms because they had a bruised face or a black eye. Some of the little girls would head out the back door and say they wanted to run away. There were many times I dreamed and thought of running away, but I didn't dare.

"Dan didn't hit me or fight with me except one time when I hit him first in an effort to stop him from fighting with another lady. He told me to mind my own business.

"I had so constantly been told by one of the other ladies and by Dan himself that I was a liar and no good that I considered suicide, but I was not leaving my baby with

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them. I wanted to get out so badly that I thought the only way was for us to die. I didn't dare talk to my father's family about the abuse I was suffering.

"Dan would correct the children by spanking their bare bottoms even if others were in the room. He once made one of his sons drop his pants in front of the lady who was his teacher and whipped the boy with his own belt. He spanked my son Alma for wetting the bed, but I was so tired of seeing him get a whipping that I stopped saying anything to Dan about his bed wetting.

"During the hearing before the Senate Judiciary Committee on July 24, 2008, Dan made it sound like he loved his father, but he didn't. Dan's father was not treated kindly at Dan's home or by his family. When I was first married to Dan, the other ladies told me a lot of stories about his father and how they disliked him. 'Father Erwin' was like a swear word in the home.

"Shortly after I was married to Dan, I taught school in the Alta Academy, where Warren Jeffs was principal. He was very kind and understanding, but Dan frequently disagreed with Uncle Warren on school rules and dress code. He felt that because he had donated money to the school that he should have a say in the rules. He was very displeased when his daughter Sara, then an upper-grade student, said that she thought Uncle Warren was nice and that she would be glad to marry him.

"I married Dan in 1981 when I was twenty years old. I had marital relations with him until October of 1983, when I conceived my son Alma. I lived in his home for nine more years with no relations. On my night he would spend all night out to the Ultradent Building on our property or just wander around the yard. I thought he hated me, but now I think he was having extra-marital affairs and didn't want me to know. He took his

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secretary, who was also his business partner, alone on several trips; and she later bragged to my brother that she had slept with Dan.

"On July 24, 1993, the family was planning a vacation for a couple of days. I asked if I could go down south to Hildale, Utah, to visit my father's family. While I was there, I got an appointment with the Prophet, Uncle Rulon. When I told him that Dan had not treated me like a wife for nine years, he said, 'That is abandonment.' I told Uncle Rulon that if he wanted me to go back I would do so. He said, 'No, you don't have to go back.' Just as it was in getting married, he let this be my choice, and I chose to leave. I went back and gathered all our belongings and, in just a couple of hours, cleaned up our rooms and left.

"When Dan and family came back, he was quite upset and wanted the children but didn't care what I did. There was no way I was going to let those children out of my sight. He would demand that he talk to the children on the phone, but I would always be on another phone listening.

"Dan never helped me financially to take care of my children. He sent my tax returns to me but no personal monies. At one time I was declined for state help with food and medicine because the Medicaid office checked with the IRS and found records that two $13,000 checks from stock in Dan's company had been cashed in the name of my two children, but we never received the money.

"When I left Dan, I didn't want to stir anything or have any bad feelings toward him but just to live my own life and let him live his. I was very careful not to mention to my children bad things about Dan or about the other ladies. But after I personally witnessed Dan's testimony at the July 24th hearing, where he lied about his father, about

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Uncle Warren, and about our religion, I wanted to tell the truth and let the other side be heard."

SIGNED ON THIS 28th day of July 2008

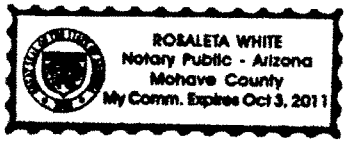
Marcia Barlow

MARCIA BARLOW (BROADBENT), Affiant

SIGNED under oath before me this 28th day of July 2008

Rosaleta L White

NOTARY PUBLIC, STATE OF ARIZONA



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AFFIDAVIT OF MARVIN FISCHER

STATE OF UTAH §
COUNTY OF WASHINGTON §

BEFORE ME, the undersigned authority, on this day personally appeared MARVIN FISCHER, who being by me duly sworn, made the following statements and swore that they were true:

"My name is MARVIN FISCHER, and I am above the age of eighteen (18) years and am competent and able to testify to all of the facts and allegations contained in this affidavit. I further state that I have personal knowledge of all of the facts contained therein and that the same are true and correct.

"On July 24th, 2008 the Senate Judiciary Committee held a hearing on 'Crimes associated with polygamy,' etc.

"All the testimony appeared to me to be only from those who have publicly declared themselves to be against the group known as the FLDS.

"One of the witnesses was Dr. Dan Fischer, who stated that his father had 3 wives and that he was the oldest of 36 children. He then went on to state some of his history and to make several direct and indirect accusations against his father, mothers, family, and former society—especially its leadership.

"I am the 11th child of that family, (the 9th child of Dan's Mother) and so have personally witnessed many of the same events that Dan has commented on. I would like to give my perspective on some of the events. (I won't attempt to discuss every accusation—but I would like to answer some of them where I believe to have personal experience or information.)

"First Event: Dan stated that he received a college education while a member of the FLDS and that it was 'very rare… virtually unheard of" and blamed the FLDS leadership for not allowing education.

"Yet, even just among his own father's family he ignores the following:

- 4 brothers (myself and 3 others) became paramedics,
- 2 sisters became nurses—one even a nurse practitioner,
- 2 brothers became Emergency Medical Technicians (EMT)
- 2 sisters earned dual certificates as an EMT and CNA,
- 1 mother became a CNA,
- Many others of his brothers and sisters (although not completing a degree) took college classes in accounting, electronics, mechanics, electrical engineering, etc.
- **His own Mother**, after raising a family, returned to college and obtained a teaching degree.

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"Either Dan's definition of 'rare, virtually unheard of" is extremely broad, or sadly and more likely he is willing to ignore some facts in order to further his agenda.

"Further, one of his team, Carolyn Jessop, opined that because she hasn't seen any public school records or private school records showing FLDS children registered in school, that they are not being educated. First: I know from firsthand experience that FLDS children are being educated because of knowledge of my own family's as well as personal observation of many others; second, how could she possibly be in a position to know whether a child is registered in a private school or not; and third, there can be no question that the FLDS at the YFZ Ranch have a school—pictures of the school have been broadcast all over the world during the Texas raid on the FLDS.

"Second Event: While Dan at first stated 'there are probably some who pay their taxes fairly...,' he then for some reason hardened his stance and made the blanket statement 'the FLDS have moved to extreme tactics to "bleed the beast", namely the US government and American businesses.' (Ironically, I have never heard FLDS people use the term 'bleed the beast' but have only heard it used by our accusers when accusing us of using it.)

"I know as a fact that the family business that I'm part owner in pays thousands of dollars a year in local, state, and federal taxes to the government. Further, in the 30 plus years we've been in business, I know of no legitimate bill that hasn't been paid—there were even many times in the early years of the business when my brothers and I received our pay late or not at all so that the government and 'American' businesses could be paid. ('American' was Dan's accusatory usage. Obviously FLDS are American too.)

"However, we have lost tens of thousands of dollars to other businesses-- in fact I know it is safe to say that our family business has lost more to Non-FLDS businesses than to businesses owned by FLDS members (for instance $80,183.70 at one time when Martin Ind of Alabama went bankrupt, $8,084.61 when Intertech Corp of Wisconsin went bankrupt, and many others. Of course, most Non-FLDS businesses do pay their bills). Yes, we have lost money to FLDS owned businesses also, but the point is, that can happen anywhere in America so it's not fair to target one religious group.

"Astonishingly, on the tax issue, Dan actually admits that the FLDS leadership (Rulon and Warren Jeffs) helped him file his taxes! Yet he still makes these harsh accusations.

"Third Event: In accusing the FLDS leadership of controlling hiring and firing of business employees, I assume Dan is referring to our brother Shem's case.

"My understanding of why Shem quit and Shem's understanding are drastically at odds-- with Shem claiming he was forced out on religious grounds and I believing he took advantage of and even manipulated events to help Dan's crusade.

"That's too long a story to fairly give both sides here and is still in litigation on one issue, but so far the district court and the appeals court have both ruled that he wasn't fired and that his version of being forced out cannot be true based on the undisputed facts.

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"Fourth Event: Dan talked about a press conference speech he gave and affidavits from 'lost boys' related to abuses he claims they endured.

"In an August 26, 2004 article in the Deseret News, the reporter stated that Dan lured the lost boys to this news conference with offers of alcohol, cash, and other freebies. Two of the teenagers told the reporter they felt manipulated by Fischer and one 16-year-old girl said 'they got a lot of those kids drunk, every last child there was under-age. Alcohol was given to any child who wanted it.'

"Afterwards, Dan told the reporter he didn't know the ages of the boys. I wonder why he would claim they were 'lost boys' if he didn't know their ages?

"Interestingly, in the same article, Utah Attorney General Mark Shurtleff admits to knowing about it and even talking to Dan about it, but yet failing to file any charges—is this the same Mark Shurtleff who accused the police in the FLDS community of not protecting children from abuse?

"Fifth Event: Dan said, 'In 1999, my family (talking about his Father's family) was destroyed by Jeffs.'

"However, Father confided in me six months to one year prior to the decision he made to separate from his wives. In that conversation he told me that due to some serious mistakes he had made in recent years with his family, that this decision to separate would be a possibility. He told me that he was telling me this because of his desires for me to always do right in my family and my life—to make sure I didn't make the same mistakes. (After the separation, he still maintained his position as President of the family business and almost daily associated with several of his sons either in that business, the city power plant setup, or just in general. He lived with his son Lorin (in a **finished** room—Dan's accusation otherwise is simply false) and had lunch almost daily with his son Leroy.)

"Dan called me one night shortly after Father did make that decision and asked me what I knew, if it was right, what we were going to do about it. He tried to convince me to interfere in it. Because of the hateful spirit Dan exhibited at that time, I did not tell him everything I knew, but I did tell him that Father had willingly made that decision, he had the right to do that, and I wasn't going to interfere.

"Nevertheless, Dan went on in very hateful tones, accusing Uncle Warren of being responsible for this decision. However, I knew this wasn't the case from what Father had told me. Dan then attempted to convince me to hate Uncle Warren by relating to me how some of Dan's children hadn't been allowed to attend the private Jeffs school due to their refusal to abide school rules—I believe more particularly the dress code. (Is this the same private schooling he claims is so bad, yet he wanted the benefit of it for his own children?—further, even after he left the FLDS, he still didn't send his children to the public elementary schools, but had them attend private schools so they could get the benefit of a better education—further yet, when I went on a business trip with him to Japan once, he commented on the wisdom of the Japanese in having a uniform dress code

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for their students so they would not get distracted by differences in clothing and could focus on learning.)

"Dan ends the narrative of Father by talking about Father's car accident where he ran off the road into a ravine and ultimately died. Dan insinuates that he committed suicide and of course blames Uncle Warren for it.

"Father was an eternal optimist and never gave up. Anyone who knew him would testify of that. Father lived for 2 days after the accident. I went and saw him at the hospital as did many of the family. I did not see any signs or symptoms of depression—in fact he was joking about surviving another accident. He died from bleeding in the skull which would not stop due to the blood thinner coumodin he was on for his heart condition. For anyone to accuse Father of suicide tarnishes the memory of what he was really like.

"Further, based on my training as a paramedic, I would not pick that accident spot as a likely spot for suicide. One, it's not dramatic enough and two, the ravine he went into is a small ravine and is not even noticeable until you are right by it—he wouldn't have likely seen it from the point where his car wandered off the road. Therefore, he couldn't have been aiming for it.

"He had many vehicle accidents in his lifetime. The Utah Highway Patrol officer investigating the accident pulled us aside at the hospital, said he knew Father well, and informed us he was going to request they suspend Father's license because of his age and long history of falling asleep at the wheel. I guess he should have done it one accident sooner—but, knowing Father, that would have killed him too.

"Sixth Event: Dan gives more narrative on the 'lost boys' and his Diversity Foundation, claiming that there are no 'lost boys' that left on their own initiative.

"My own personal experience with the 'lost boys' is again quite different than Dan's. The 'lost boy' I had first-hand experience with was my brother's son. This nephew and a couple of friends his age used to come out to one of the offices at the business and spend some time on the computer. We thought they were using it to help with their education and even to learn future job skills in CAD drawing and so forth. Unfortunately, it turned out to be a ruse to instead watch some pornographic DVD's and other debasing movies.

"It finally came to a head when this group of boys came out late at night and broke into several businesses, including ours. They took some cash, and other items. In a few days when some of the goods showed up in homes, they were caught. They confessed and through the help of the local police were scheduled to go before the judge (a NON-FLDS judge by the way)

"My brother talked to his son and explained the procedure he would need to go thru with the court system. He assured his son he loved him and although he wouldn't try to 'get him off the hook,' he would support him to work through this experience every step of the way and help him get back on the right track.

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"Shortly after, this boy disappeared, and my brother didn't see him again for some time. He suspected he had gone to Dan's to hide from the law and later he found out that he had. Of course, any FLDS parent that would try to get help from outside law enforcement in this situation would simply be accused of trying to 'capture' their child who had finally 'escaped.'

"In this one case that I was personally involved in, the 'lost boy' certainly was not 'kicked out.' I admit my one firsthand experience is only one, but there are many other firsthand narratives on the web site www.truthwillprevail.org that substantiate this narrative. In the case of my nephew running from the law, I doubt he told Dan the real reason he left. If he did, then Dan is guilty of hiding a fugitive from justice. If he didn't, then Dan is judging us based on a false story.

"I feel Dan became offended years ago over the school issue I mentioned previously. As various events happened that he didn't understand, his grudge increased. Eventually it has reached the point that this grudge causes him to believe any accusation he hears against the FLDS and their leadership because he wants the accusation to be true.

"Having had personal involvement and knowledge of many of the accusations made at this hearing, I was shocked at the level of exaggeration, and in some cases outright fabrication, that I heard. My actual experiences in many cases are drastically different then the portrayal of them by the witnesses.

"It appeared to me that every person who testified had received their information from Dan's organization or those of his 'team.' So, we haven't heard eight independent testimonies, but have heard one testimony by eight people.

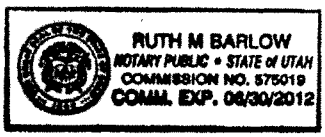
"The above statements are true and correct to the best of my understanding.

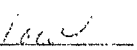
"I hope and pray the Senate will seek for information from unbiased sources, take the time to listen to both sides, and not go on emotion or unproven accusations. I don't see how another 'Salem Witch Trial' is going to help this country."

SIGNED ON THIS 29th day of July 2008

MARVIN FISCHER, Affiant

SIGNED under oath before me this 29th day of July 2008





NOTARY PUBLIC, STATE OF UTAH

Marvin Fischer—Affidavit--page 5

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AFFIDAVIT OF MELINDA FISCHER JEFFS

STATE OF UTAH §
COUNTY OF WASHINGTON §

BEFORE ME, the undersigned authority, on this day personally appeared MELINDA FISCHER JEFFS, who being by me duly sworn, made the following statements and swore that they were true:

"My name is MELINDA FISCHER JEFFS, and I am above the age of eighteen (18) years and am competent and able to testify to all of the facts and allegations contained in this affidavit. I further state that I have personal knowledge of all of the facts contained therein and that the same are true and correct.

"I am the oldest daughter of Dan Erwin Fischer. I have chosen to have no association with my dad for quite some time for many different reasons. But after hearing his statement to the Senate Judiciary Committee as well as the report of many other actions he has chosen to take against my way of life, I feel it wise to come forward with my side of the story.

"My first clear memories of my life are when I was 5 years old. Dad at this time had two wives. My mother had four children and my other mother "Leenie" had one little girl. I remember happy times, but one of the clearest memories I have is of listening to my parents screaming and yelling at each other; and afterwards I remember wiping up the bright red drops of blood off the hard floor.

"It seemed like the fighting never ended. Very often during a horrible fight we children would gather together in a downstairs room and cry. We could hear the screaming and the yelling going on upstairs. After one particular fight, Dad came into

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the room; and upon seeing all of his children's tear-streaked faces, he sat down and cried. He said, 'I have wanted so badly to give my children a different childhood than I had. I wanted my children to never see their parents fighting.'

"I remember times when a mother would stay in her room for a week on account of the black eye she received at the hand of my Dad. I also remember seeing scratches and bumps on my Dad after a fight.

"Corporal punishment was the rule in our home. If you did something wrong, you were punished with a spanking or a beating. If you wet the bed, you received a spanking by Dad first thing in the morning. Leenie's children wet the bed often. Jaleena, her oldest daughter, was quite fearful of the spankings she would receive. Sometimes in the middle of the night, she would wake me up and tell me she wet the bed and ask me to please help her so she would not receive a spanking. We would strip the bed and her and wash and dry the bedding and clothing. Then we would make the bed and put the same clothes back on her. In the morning she was dry and nobody was the wiser.

"Dad expected the children at a very young age to sit quietly at Sunday School. This was quite hard to do for young children. But Dad would be obeyed. If they cried, he would pick them up and tell them to stop crying. 'Are you going to stop crying?' he'd say in a threatening voice. If they didn't, he would put his hand on their mouth with his thumb covering their nose so they couldn't breathe. He would keep it there until they stopped fighting him or they would start to turn blue. Then he would pull his hand off, and they would gasp and scream. He'd say, 'Stop, or I'm going to do it again.' Sometimes he'd slap their mouth until their nose bled. We all sat and watched. The

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mothers never interfered. I do remember him holding one of the little children afterwards and saying, 'I love you but you need to obey.' I remember Leenie's eyes watering at times, and I believe this type of punishment caused many confrontations between her and Dad.

"On one occasion my Dad came into my room crying. He related to me how he had just struck one of my mothers. He said, 'I love her so much, but she just made me do it!'

"We were very suppressed as children. We were not allowed to participate in after-school activities, dances or social gatherings. As I got older, I would ask my dad if I could go to the dance. His reply would be, 'Is all you can think about is a boy touching you?' That would quickly shut me up. As more of my sisters matured, he did finally let us attend a few dances. We missed out on many company parties and very seldom were allowed to go to the movies with our friends. I never received an allowance. Once in a while I was given 20 dollars to spend. This was hard on me at the age of 17. I wanted to buy birthday presents for my friends, etc. Because of this I would actually take money out of my dad's wallet in order to do so. Even when I was working, I turned my check over to Leenie, who provided me with ALL of my personal needs until I was over 19 years old.

"I will now relate an experience that to this day affects my life. It was the worst day of my life. I was 17 years old. One of my cousins and I had snuck out of the house to the Ultradent Products building, which was located on our same property. We called up a radio station and talked to some boys, flirted with them, and promised to meet them uptown somewhere. I had no intention of meeting them. It was all in fun. We

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finished our conversation and snuck back into our bedroom. A few moments later the door banged open. My dad grabbed me and took me upstairs. He had my mother and Leenie come into the room and sit down. He started yelling at me and asking me questions, and when I didn't reply the way he wanted, it enraged him. He grabbed me and pulled me across his lap and beat me. He yelled all kinds of profanity at me, calling me a slut and a whore. He would say, 'If all you want is to be F'd, I know 10 guys who I could get right now to come and do it to you!!!!' First he beat me with my dress down, then with my dress over my head. Then, to my complete humiliation, he grabbed my underpants and pulled them down around my knees and beat me more as I was kicking and screaming. He finally stopped, and I gathered myself up as best I could. I was sobbing. Oh how I hated him! He continued yelling at me with extremly vulgar language, telling me how he might send my cousins away because I was such a horrid influence on them. Finally I was sent to my room alone. The next morning I was very sore. I went to the restroom, and, to my shock, I was black and blue from my waist to my knees. I felt unreal, dazed, hated. I wanted to die. I wanted Dad to suffer as I had. I decided to call the police. I had my hand on the phone ready to dial 911. I didn't dare.

"I was completely shunned for a while. Every privilege was taken away. I refused for a long time to look at my dad, nor did he try to look at me. I was the lowest life form.

"In regard to Uncle Warren, here is an experience I had while attending Alta Academy. Many have made claims that Uncle Warren totally ran the decisions of the school. Yes, he was the principal, and I am sure he had ideas and suggestions to try and help the school run orderly and properly. My dad always seemed to have a continual

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gripe with Uncle Warren. The school had a dress code. If you attended school, you agreed to follow the dress code. One rule was 'no acid washed fabric.' We had our acid-washed denim jackets, etc. Being young teenagers, we liked to be 'in fashion' and were opposed to this rule. Dad figured that this was just another one of Mr. Jeffs' self-righteous rules, so he decided to do something about it. He deliberately bought us girls all acid-washed dresses and took us to see Uncle Rulon. Uncle Rulon greeted us in his office and asked us to sit down. Then Dad asked him if he thought we looked nice. He said we did. Dad asked him if he could see how nice acid-washed fabric could look. He said, 'Yes, it does look nice.' Then Dad brought up the new dress code about acid-washed fabric. Uncle Rulon sat quietly for a minute. Then he said, 'Can't we just obey the rules of the school? This is a private school; it has rules. You may wear them at home.' He was sweet about it; he did not raise his voice. My dad said, 'Yes we can,' and we left.

"I recall many instances where Dad humiliated me in public. One time at school I looked up as someone entered the classroom. It was Dad. I promise Hell was about to unfold on me for something I had done that angered him. My dad grabbed me without a word and took me by the neck and literally shoved me with all force out the door, up the stairs in front of the whole school and out to his car. He cursed me with foul language and accused me of being deceitful. His vengeance would not be spent till it was physical.

"One day at work he noticed that the back of my hair had been trimmed. In front of all my co-workers, he came up behind me, grabbed my hair, jerked my head

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back and hissed, 'Do I need to kick you in the butt?' There were many times while I was working as his dental assistant that he humiliated me in front of his patients.

"In Dad's recent statements he showed a great amount of emotion regarding his father, Erwin Fischer. His remarks shocked me because as long as I can remember 'Grandfather' was always such a bad word in our home. My mothers felt like he was continually trying to correct my dad and tell him how to run his family and his money. My dad disagreed with the way Grandfather got his 3rd wife. Dad told his sister Mary that he knew Grandfather did not have Priesthood because of the way he courted that lady. We hardly ever came to Short Creek to visit my Grandfather's family; when we did, my mothers greatly dreaded it.

"I was in Grandfather's home shortly after his family was separated from him. It was the Monday before Thanksgiving in 1999. He had recently made an appointment with Uncle Rulon, our Prophet. There he admitted that there were wrongs that he needed to be re-baptized for. He felt like he needed to be removed from the situation because he couldn't handle it. The older children were shoplifting among other things. All the children were violent and hard to handle, especially for him in his elderly condition. I was told by Grandfather that it was by his own choice. Uncle Lorin took him into his own home and provided him with a nice bedroom until an apartment was finished for him upstairs. His children furnished it nicely. He never suffered for want of anything. Mention was made of Grandfather being forced to help provide for the children under Allen Steed's care. Grandfather was never forced to help out with the expenses of caring for the children. Knowing him, he probably volunteered to help in any way he could.

Melinda Fischer Jeffs—Affidavit—page 6

"About two months before he died, I was privileged to sit next to my grandfather at a meeting. We had some time to talk. We talked about my dad and the bitterness he had over the separation. Grandfather said that Dad had offered to get him a lawyer. Grandfather told him, 'No, I don't need one; I have chosen to do this.' Just then, Allen Steed's family walked into the room. Grandfather beamed and waved at some of the children; they waved back. He said, 'They are doing so well; I am so grateful to Allen. I love him so much. He is working with the children so well.' I could tell he was very encouraged and grateful for where those children were.

"My mother left my dad when I was 15 years old. She left my brothers Erwin, David, and me with my dad. She took the rest with her. About a year later she moved back in, and they tried to work out their differences for a time. However, they were not successful, and she and some of her children were moved to an apartment located on my dad's property. She threatened at times to divorce him, and he would persuade her not to because of the effect it would have on his business. A few years later they made a settlement and did divorce, and Leenie became his legal wife.

"Dad's 3rd wife, Marcia, also left him. It was after I was already married. My Dad called me to see if I would call her and persuade her to come back. I did call her but did not try to persuade her to return. As far as I was concerned, it was about time! Why in the world would she want to return to a man that did not treat her as a wife? She'd had no physical contact with him for over eight years. Dad shunned her, and if she approached him, she was treated rudely. Her children were also abused.

"When I listened to my dad's mention of the nightmares that he still suffers from as a result of the separation of his father's family, my mind immediately went to the

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long-term effects that I still suffer. My husband could relate to you some of the nightmares that I still have from time to time. I also suffer from terrible insomnia. I have sought medical attention for this, and I have been told by some medical and psychological professionals that it is a direct result of the abuse that I suffered in my youth.

"At another time I was seeing a nurse practitioner because I was having difficulty enjoying an intimate relationship with my husband. In describing the symptoms to her, she asked me, 'Did you suffer any kind of abuse?' I said, 'You would not believe me if I told you.' She said, 'What do you mean?' 'I mean you would not believe it because of who my father is. He is very well-known. He is very successful. Whatever he sets out to accomplish, he accomplishes! He is extremely intelligent and successful. He is beloved by many.' She said, 'That doesn't matter. We often see this aggressive behavior pattern in men that have that driving force to succeed.' I had related to her my experience of being beaten and how if I ever showed a desire toward anything to do with boys I was made to feel dirty and immoral.

"I have since gone on with my life, trying to put the past behind me. I have forgiven. I hold no bad feelings. When I got married, my dad put his arm around me and said with all sincerity, 'Show your mothers that this way of life can be lived beautifully.' I will always love my dad for turning me to Uncle Rulon. Such a man I had never known. Uncle Rulon would tell me before I was married, 'I'm in the happiness business.' He was right!

"My husband has never raised a hand to me or my children. If he did, I would not be with him. It is a tight line these men must follow. Do you think I would know if

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my husband is immoral? Of course I would; I've been married to him for 16 years. I would not stay married to an immoral man.

"I cannot live with myself and remain silent. I feel I must share some of my experiences because what Dad is doing has harmed my life, my children's lives, the lives of others whom I love, and ultimately the way of life that I have chosen to live. I have been silent for many, many years. I have not shared these intimate details of my life to receive retribution, sell a book, or receive donations or publicity. I have nothing to gain. I do it only for the sake of truth."

SIGNED ON THIS 28th day of July 2008.

MELINDA FISCHER JEFFS, Affiant

SIGNED under oath before me this 28th day of July 2008

TYLER ENDSLEY
Notary Public
State of Utah
My Commission Expires October 15, 2011
8 W State St, Hurricane, UT 84737

NOTARY PUBLIC, STATE OF UTAH

Melinda Fischer Jeffs—Affidavit—page 9

44773.110

AFFIDAVIT OF MIRYAM DARGER

STATE OF ARIZONA §
COUNTY OF MOHAVE §

BEFORE ME, the undersigned authority, on this day personally appeared MIRYAM DARGER, who being by me duly sworn, made the following statements and swore that they were true:

"My name is MIRYAM DARGER, and I am above the age of eighteen (18) years and am competent and able to testify to all of the facts and allegations contained in this affidavit. I further state that I have personal knowledge of all of the facts contained therein and that the same are true and correct.

"I was born a plural child of Dan Fischer, and unlike the happy, peaceful life I live and love now, the first eleven years of my life was living hell. I along with my mothers, brothers, and sisters was greatly abused.

"I never wished to tell everyone about his faults, but he is affecting so many innocent people with his lies that I can no longer remain silent. After I heard of some of the lies he spread at the Senate Judiciary Committee hearing, I felt these things must be told. I do not wish to demonize him but to tell the truth. Many of the lies he has spread are a reflection of his own family years ago.

"Dan was inconsistent in his love. At times he held us on his lap and told us that he wouldn't trade the world for us. But at other times he would say he just had too many children.

"As a child I was greatly afraid of him but sought to please him the best I could. He did try to love us and make good times for us. We had a nice home and surroundings. We were sent to a wonderful private school. We had family outings, etc. But he would

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let his temper get the best of him. Life was like walking on eggs.

"If someone told a lie about you, that was it. You were guilty with no explanation or defense on your part, and you were punished. In a fit of anger the girls were beaten with his hand on their bare bottom, and the boys with a leather belt on their bare bottom. "My younger brother would be beaten time and again with a leather belt for simply wetting the bed.

"Dan would get into screaming and fist fights with his first two wives, while the children sat by weeping and pleading, 'Please stop, I wish they would stop.'

"As a child it was very common to be locked or forced to stay somewhere for hours at a time. I do not know if this was done to all of the children, but I do know it was done very much to me and my younger brother.

"Dan would not tolerate much crying and would deal with it in a forceful way.

"Night after night we children woke up with horrifying nightmares. The older children would often threaten to run away because there was no peace in the house.

"This is not the FLDS lifestyle. In our families each and every child is very special. We do not condone abusive conduct, so this is why Dan Fischer is no longer affiliated with the FLDS.

"In connection with his 'lost boys,' I witnessed him in a fit of temper drive his own son and daughter out of his home. They were older than 18, but so are many of his 'lost boys.'

"From my earliest recollection Dan had a burr against Warren Jeffs. He never had anything good to say about Uncle Warren but always wanted to contest him. He

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always said of him in a sarcastic way that he was 'righteous,' which was what he called anyone who tried to do right and live their religion.

"Uncle Warren was the principal of a private school, and Dan didn't want to conform to what he had the children do while at school (such as dress codes, and doing away with Halloween). Dan would go over to the school and try to get into a conflict with Uncle Warren, but Uncle Warren would not fight. Dan would come home and tell how he had set Warren Jeffs straight.

"Dan tried to hide the fact that he had more than one wife because he said it would ruin his business. My uncle used to say, 'Everyone knows Dan Fischer has more than one wife except himself.' I don't remember Dan showing any affection toward my mother. She was no more than just another person living on the property.

"Because of his abuse, and being untrue to his covenants, patience was no longer a virtue, so my mother took us home to her father.

"Since we left, Dan has never offered to assist us in our clothing, schooling, medical, or financial needs. He had some money set aside in a trust fund for each of his children when we became of age, which we never received.

"Out of revenge for what he had, abused, and lost Dan became anti FLDS and became a bitter enemy to what he once loved.

"There are many more experiences that can be told, but I will let this suffice. I am very grateful for the courage of my mother and the blessings of Heavenly Father in such a circumstance.

"I have tried to forget those first eleven years, and I have truly forgiven. But truth is truth and must be told."

Miryam Darger—Affidavit—page 3

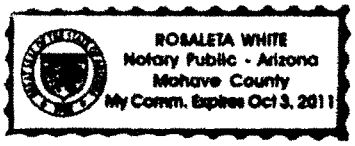
44773.113

SIGNED ON THIS 25th day of July 2008.

Miryam Darger
MIRYAM DARGER, Affiant

SIGNED under oath before me this 25th day of July 2008

Rosaleta White
NOTARY PUBLIC, STATE OF ARIZONA



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AFFIDAVIT OF MIRYAM F. HOLM

STATE OF ARIZONA §
COUNTY OF MOHAVE §

BEFORE ME, the undersigned authority, on this day personally appeared MIRYAM F. HOLM, who being by me duly sworn, made the following statements and swore that they were true:

"I, Miryam Holm, sister to Dan Fischer, write my testimony to the best of my knowledge in response to the allegations made by Dan Fischer and Carolyn Jessop before the Senate Judiciary Committee on July 24, 2008. I am the sixth child of Erwin and Rachel Fischer, with Dan Fischer being the oldest child. I was at the Judiciary Committee held at the above date and was shocked at the one-sided, biased, and prejudiced testimonies that I witnessed being portrayed as 'fact'. The testimonies were so far from the truth and no representation from the accused FLDS faith was allowed. We are not a cult as we have been labeled. I was amazed at how those present were so easily influenced and prejudiced by the testimonies. Truly, if I had not known the truth, I too would have thought the FLDS a horrible insurrection that needed to be put down.

"Dan Fischer and Carolyn alleged that the women of the FLDS faith were not allowed to be educated, have driver's licenses, or drive licensed vehicles in order to keep them subservient to the men of the religion; and that the children, being outside of the public school system, are crippled by the home school system for a quality education. This is not true in any sense of the word. I had a driver's license at age seventeen, graduated from high school, went to college, and have a master's degree as a Certified Family Nurse Practitioner. I am currently working towards further medical certifications. I have a licensed vehicle to drive, a current driver's license, my own computer and e-mail address, and can come and go as I need. Concern for lack of a quality school education

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for the children is unfounded in most instances. I find the children receive a much higher quality education. Where do you think all the certified teachers went when private schools started? They are teaching their children in the home. For example, the children in our family are home-schooled by two certified school teachers. A well organized, high quality education program is available for use by all FLDS in subjects of history, mathematics, reading, writing, English, art, science, health and safety, and yes, the use of computers. Home economics classes such as sewing, woodworking, cooking, gardening, and herbology are offered in our home school. The home school setting provides a much better teacher-student ratio, which provides greater opportunity for one-on-one education, allowing the students to progress more rapidly.

"Carolyn Jessop herself went to college and got a teaching degree before she left the FLDS faith. She spent several years teaching in the public school. For her to testify to the committee that there were gaps in her education because of the 'suppression' of the FLDS faith is appalling and unfounded. She had a college degree to support herself and her children.

"I have never seen the women of the FLDS faith held captive or not allowed to come and go as they needed other than circumstances due to outside religious persecution. I see many of them in clinic and yes, even in the neighboring towns, freely going and coming as they desire. I find the women well versed, opinionated, pleasant and often with a good sense of humor. I rarely see an oppressed woman among the FLDS people. The majority of the young men and women of the faith get their driver's licenses age sixteen to seventeen years old and drive licensed vehicles. I am FLDS. I have several teenagers, all of which are licensed and drive licensed vehicles. They are not forced to stay in the religion. Three of our sons have chosen to leave the faith, but not because they

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were forced out or unwanted, but because they simply felt the religion was not for them. The FLDS children in my care and in most of the families I see are shown great love, taught religious values, cleanliness, good working skills, clean morals, ethics, productivity, and positive uplifting recreation skills. Every confidence and privilege is extended to them with great love, which is important for manhood, womanhood and family. They are given every opportunity for education, business opportunity skills and the freedom to choose their own course as any other free American.

"No son of mine was ever dumped out on the street to be a burden to society. After school and home duties are fulfilled, and when legally possible, we encourage our children to work with their fathers, mothers and older siblings to learn trades and good work ethics. The children look forward to this and are anxious for the opportunity to do so.

"I realize this only addresses a few of the many accusations made by Dan Fischer and Carolyn Jessop. It would take a book to address them all. I just want people to know that there are two sides to every story and they need to hear both sides with an unbiased mind before they judge. With all the media hype and desire for a high-selling drama story, an unprejudiced mind is hard to find."

SIGNED ON THIS 29th day of July 2008.

MIRYAM F. HOLM, Affiant

SIGNED under oath before me this 29th day of July 2008

DAVID DARGER
Notary Public - Arizona
Mohave County
My Comm. Expires Aug 31, 2008

NOTARY PUBLIC, STATE OF ARIZONA

Miryam F.Holm—Affidavit—page 3

AFFIDAVIT OF ORLIN JAMES BLACK, JR.

STATE OF UTAH §
COUNTY OF WASHINGTON §

BEFORE ME, the undersigned authority, on this day personally appeared ORLIN JAMES BLACK, JR., who being by me duly sworn, made the following statements and swore that they were true:

"My name is ORLIN JAMES BLACK, JR., and I am above the age of eighteen (18) years and am competent and able to testify to all of the facts and allegations contained in this affidavit. I further state that I have personal knowledge of all of the facts contained therein and that the same are true and correct.

"I lived in Dan Fischer's home for just under ten years, from 1986-1996. For the most part Dan Fischer treated me well and did a lot of good things for me.

"I do remember that Leenie was the one that ran the family; she was in charge. Whenever she got mad and wanted something done, Dan did it. Dan and Leenie were always fighting and sometimes Jean. I remember before any family trip or outing there was always a fight.

"One time when we were going to the Kennedys for a party, the night before Dan and Leenie were fighting in his room—we could hear yelling through the walls. The next day she had a black eye. Dan said to all of us, 'If the Kennedys ask what happened to Leenie's eye, tell them that she ran into the door.'

"Every night when Dan got home, he and Leenie would start drinking. The fridge was always full of alcoholic drinks, and we could help ourselves whenever we wanted as long as we didn't get caught. I saw his underage children help themselves to beer and

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wine. They would have been in trouble if they were caught, but the alcohol was never locked up.

"As for Dan and his relationship with his father, Leenie said once that Dan's father Erwin was 'a self-righteous jerk.' For all the years that I lived with the Fischer family, I seldom saw Dan do anything with his father. He would come and stay sometimes, but it was not for very long. There was tension in the home every time he was there.

"As for Marcia and her children, they were considered lower class. Dan never did anything with them. Leenie never had anything good to say about them. Marcia mostly stayed in her room with her children."

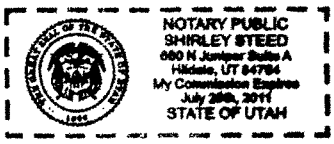
SIGNED ON THIS 30th day of July 2008

ORLIN JAMES BLACK, JR., Affiant

SIGNED under oath before me this 30th day of July 2008

Shirley Steed

NOTARY PUBLIC, STATE OF UTAH



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AFFIDAVIT OF ROLENE FISCHER

STATE OF UTAH §
COUNTY OF WASHINGTON §

BEFORE ME, the undersigned authority, on this day personally appeared ROLENE FISCHER, who being by me duly sworn, made the following statements and swore that they were true:

"My name is ROLENE FISCHER, and I am above the age of eighteen (18) years and am competent and able to testify to all of the facts and allegations contained in this affidavit. I further state that I have personal knowledge of all of the facts contained therein and that the same are true and correct.

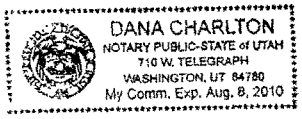
"I remember Dan Fischer was especially mean to the little babies. If they cried, he would take them and spank and spank them and then cover their mouth and nose until they quit crying or passed out. The only time they quit crying was when they were totally exhausted. Other times he would put them alone in a room for hours at a time until they quit crying. That's how he 'broke' them."

SIGNED ON THIS 30th day of July 2008

Rolene Fischer
ROLENE FISCHER, Affiant

SIGNED under oath before me this 30th day of July 2008

Dana Charlton
NOTARY PUBLIC, STATE OF UTAH



SNOW, CHRISTENSEN & MARTINEAU

Rodney R. Parker

A Professional Corporation
10 Exchange Place, Eleventh Floor
Post Office Box 45000
Salt Lake City, Utah 84145-5000
Telephone (801) 521-9000
Facsimile (801) 363-0400
www.scmlaw.com

rparker@scmlaw.com
(801) 322-9134

July 21, 2008

HON SHELDON WHITEHOUSE
HART SENATE OFFICE BUILDING ROOM 502
WASHINGTON DC 20510

Re: *Senate Judiciary Committee, FLDS Hearing*

Dear Senator Whitehouse:

I am writing you on behalf of the Fundamentalist Church of Jesus Christ of Latter-Day Saints (FLDS), in connection with the Judiciary Committee hearing scheduled for July 24, 2008.

Our requests to participate in that hearing have been ignored. It is unfortunate that Congress would choose to hold a "hearing" involving allegations against the FLDS people without affording those affected an opportunity to respond. The American public instinctively understands that justice cannot be served when the voices of those most affected by Congressional action are deliberately excluded from the discussion. History is replete with examples of misinformation becoming the foundation of persecution and hysteria, leading in turn to real harm to real people.

This week's hearing will be held on the 161st anniversary of the founding of Salt Lake City by Mormon pioneers. On July 24, 1847, the main party of the Mormon pioneers entered the Great Salt Lake Valley in what was then Mexico. They were fleeing persecution in Illinois and Missouri, where their belongings had been destroyed, their homes had been burned, and their leader had been murdered by mobs. Mexico did not provide them much refuge. Soon after their emigration, Mexico ceded the Great Salt Lake Valley to the United States in the treaty of Guadalupe-Hidalgo. The Mormons found, as they had in Illinois and Missouri, that the Constitution and laws of the United States provided them little protection. Eventually, under threat of destruction, the Mormon Church was coerced into renouncing one of its core religious practices. History has not been kind to those whose persecution drove the Mormons out of Illinois and Missouri. Today, we recognize the actions of those mobs as religious persecution of the most heinous kind. The judgments of history have also weighed heavily against the means used to coerce the renunciation of polygamy from the Mormon Church in 1890.

As the Committee takes up the FLDS issue without the benefit of a balanced presentation, perhaps it can compare the circumstances of the witnesses it calls to this: In the summer of 1873, Ann Eliza Young apostatized, divorced Brigham Young, and went on the lecture circuit. She claimed that "the superficial harmony of Young's households masked what was in fact a systematic torture of women, riven by jealousies, violence, and deception." S.B. Gordon, THE MORMON QUESTION 112 (2002). Popular writers of the time howled in both fictional and nonfictional accounts over the "enslavement" of women. Congressmen raged that the church "has elevated lechery to the dignity of a religious dogma, and burns incense upon the altars of an unhallowed lust." Cong. Globe, 42d Cong., 3d Sess. 948 (1873). Many argued that plural wives would escape if only they could, and built "safe houses" for that purpose. *Id.* at 164.

Then, as now, however, few plural wives attempted to "escape" their husbands. The safe houses stood largely empty, and those who came were more often leaving an incompatible relationship than escaping polygamy. As one of the first groups of women to be granted suffrage (in 1871), Mormon women consistently voted in favor of maintaining their local institutions. *Id.* at 97. They lied in court, they hid from authorities, they held rallies in favor of polygamy, and they even conducted public relations tours to Washington in defense of their faith. "[T]he recalcitrance of Mormon women battered theories of their involuntary sexual servitude." *Id* at 164. In response, antipolygamists asserted that Mormon women were controlled in every aspect of their lives, and that the whole structure of marriage in the territory must be destroyed in order to destroy the power polygamous men held over their wives.

Nevertheless, Congress in 1887 dealt a "final, devastating blow to the Mormon Church" when it passed the Edmunds-Tucker Act, designed to eradicate polygamy by compromising the viability of the Mormon Church. *Society of Separationists*, 870 P.2d at 926-27. The Edmunds-Tucker Act, ch. 397, 24 Stat. 635 (1887), created the crimes of fornication and adultery, opening the door to prosecution of women participating in plural marriages. The Act annulled the church's charter, escheated the church's property, and turned control of the territory over to the non-Mormon minority by requiring an oath of obedience to the Edmunds Act as a prerequisite to voting. The Act further directed that all Church property not exclusively devoted to the worship of God was to be sold, with the proceeds used to support public schools in the territory. Openly acknowledging the Act's purpose to destroy the Mormon church, Rep. Tucker averred:

> "We dissolve tribal relations of the Indians in order to make the Indian a good citizen; so we shatter the fabric of this church organization in order to make each member a free citizen of the Territory of Utah."

49 Cong., 2d sess. 694.

Hon. Sheldon Whitehouse
July 21, 2008
Page 3

Today, those words seem shocking. Yet the one-sided hearing the Committee is about to have is but a short step away from the type of prejudice that fueled Rep. Tucker's statement. As the Committee hears the testimony of the enemies of the FLDS, it would be well to ask whether those witnesses have any *evidence* to support their claims. For decades, the most outrageous statements have been made about the FLDS people: That they practice blood atonement; that they enslave women; that they perpetrate all manner of financial crimes; that they kill their babies. In all the evidence that has been gathered over the years against the FLDS people, where is the corroboration of these claims? Persecution is based on stereotype. Stereotype, in turn, arises when the highest levels of our government provide a forum for the kind of one-sided, inaccurate, and unsubstantiated claims that this Committee will hear on July 24.

The ancestors of many FLDS members were among the pioneers who entered the Great Salt Lake Valley on July 24, 1847. Those pioneers paid a heavy price for their faithful adherence to their religious principles in the face of extreme pressure. The FLDS carry on those 19th Century religious traditions and, regrettably, have suffered the same injustices that their ancestors suffered.

The recent raid on the YFZ Ranch is only the latest in a long history of persecution perpetrated against the FLDS people and their Mormon ancestors. The YFZ raid was fueled by stereotype and unsubstantiated misinformation spread by the very same people from whom the Committee will hear on July 24. Although it was a constitutional violation of epic proportions, the YFZ Ranch raid did not substantiate the claims they made; rather, it exposed them as naked falsehoods.

Against the backdrop of the obvious injustice of the YFZ raid, your decision to hold a hearing that does not include those who are targeted by the misinformation of FLDS detractors is unfair and undemocratic. Rather than breaking the vicious cycle of prejudice and persecution, your one-sided hearing is likely to perpetuate it. Let us nevertheless hope that the FLDS and Congress are not doomed to repeat the injustices of the past.

Very truly yours,

Rodney R. Parker

RRP:mj
cc: Hon. Harry Reid, Majority Leader
Senate Judiciary Committee Members
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SNOW, CHRISTENSEN & MARTINEAU

Rodney R. Parker

A Professional Corporation
10 Exchange Place, Eleventh Floor
Post Office Box 45000
Salt Lake City, Utah 84145-5000
Telephone (801) 521-9000
Facsimile (801) 363-0400
www scmlaw com

rparker@scmlaw.com
(801) 322-9134

July 31, 2008

HON SHELDON WHITEHOUSE
HART SENATE OFFICE BUILDING ROOM 502
WASHINGTON DC 20510

Re: *Senate Judiciary Committee, FLDS Hearing July 24, 2008*

Dear Senator Whitehouse:

In addition to the information I sent you earlier today regarding this subject, the group Principle Voices, which is a pro-polygamy advocacy group, has asked that I forward the attached information to be included in the official record. This group is not affiliated with my clients, and I am merely sending this information as an accommodation to them.

Very truly yours,

Rodney R. Parker

RRP:mj
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PRINCIPLE VOICES DENOUNCES SEN. REID'S "Victims of Polygamy Assistance Act of 2008" bill, because it will not and cannot serve our families in any healthy or meaningful way, but will injure them. While we welcome efforts to raise funds for service providers to provide help and resources to abuse victims, we're very concerned about this bill for a number of reasons:

1) Reid's bill presupposes there are large numbers of women and children waiting to be rescued from polygamy. Not true.

Where there are cases of abuse, or where there are women who may wish to leave a particular family or community, there are already organizations in place to provide assistance and resources. Some victims of abuse do not wish to leave their families, communities, or faith, and services and resources should not be held hostage or made dependent upon a woman's abandonment of her faith or family.

2) Reid's bill and his anti-polygamy efforts are not focused on crimes but on a FAMILY ARRANGEMENT. He wants our families/communities treated like organized crime families.

Reid is threatening a way of life for all families in the culture, since all families will be targeted for nothing more than a belief in or practice of polygamy. Such aggressive state and federal action in the past served only to send these families underground, which cuts them off from larger society and the benefits of societal interaction, public/private education, social services, etc.

3) Reid's approach endorses prejudice and encourages fear and distrust of government. Religious persecution is defined as

Reid has structured the Senate Judiciary Committee Hearing in a one-sided manner, proving that our families have little hope of receiving fair treatment. Had opponents to his petition been allowed to testify, they would have provided evidence to support happy, healthy families, dedicated to being law-abiding citizens, which includes taxpayers who contribute to the economy, and a desire to be self-sufficient rather than welfare dependent.

4) If Reid truly cares about women and children in polygamy, then he should HELP them, not hurt them. Driving them underground, casting them out of society and dismantling their families is NOT HELP.

Societal acceptance, openness and interaction is the only way to cultivate healthy families, and reach victims where abuse occurs.

Principle Voices strenuously objects to any effort to characterize our families as anything but what they are: FAMILIES. When Senator Reid, and others, are willing to acknowledge that fact, then and only then, can they truly help anyone from our culture.

Mary Batchelor
Director, Principle Voices
801-580-1999
principlevoices@comcast.net

Anne Wilde
Community Relations, Principle Voices
801-943-5651
annebwilde@aol.com

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WHY DO WOMEN CHOOSE PLURAL MARRIAGE?

Excerpted from *Voices in Harmony: Contemporary Women Celebrate Plural Marriage* by Mary Batchelor, Marianne Watson and Anne Wilde

How do intelligent women ever come to believe and practice plural marriage? What is the compelling attraction that enables a woman to share the affections of her husband with his other wife or wives? Why would any woman freely *choose* it? Ever since Joseph Smith, Jr, the founder of Mormonism, revealed the principle of plural marriage, these questions have been asked. These questions probably can never be fully answered by one individual. Perhaps it will take the voices of many women to truly adequately answer these questions hence the personal essays in this book. There are, however, certain beliefs that common among women (and men) who choose to practice plural marriage and may actually claim to prefer it over monogamy. Most women who enter into plural marriage do so because they are converted to the concept that plural marriage offers them the opportunity to attain, with their husbands, the highest blessings God offers.

Before a woman willingly goes against her feelings, cultural traditions and social prejudices, she is generally convinced of the following beliefs:[1]

1. She believes that plural marriage is a divine law, a holy law, absolutely essential, not optional, for the rewards promised.
2. She believes that it is essential for her to live plural marriage in this life, not just in some future state. This requires an deep commitment to God, to her husband and to each wife.
3. She believes that a monogamous marriage, even though it may be solemnized by an eternal covenant, is insufficient to achieve the promised rewards.[2]

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[1]See Doctrinal Overview in previous chapter.

[2]The current doctrine of the Church of Jesus Christ of Latter-day Saints now distinguishes between celestial marriage and plural marriage and teaches that monogamous temple marriages are celestial or eternal. Fundamentalist Mormons, however, hold that in 19th century Mormon teachings there was no such distinction and that only the law of plural marriage could qualify as celestial or eternal. Fundamentalist Mormons often cite turn-of-the-century LDS Apostle Charles Penrose who stated the doctrine of plural marriage and the doctrine of marriage for eternity are indissolubly interwoven with each other and that if the first is repudiated so must the other. *Millennial Star*, Vol 45, page 454.

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4. She believes that plural marriage is the only type of marriage that can continue beyond death.[3]
5. She believes that God has provided a way for her to practice plural marriage now with legitimate priesthood authority.
6. She believes that plural marriage is a pure and holy principle and that only persons who aspire to high moral standards can acceptably live it before God.
7. She believes plural marriage is a law of God designed to help her achieve her full potential, including her rightful status as a goddess in conjunction with her husband as a god. This is reflected in the Biblical passage neither is the man without the woman, neither the woman without the man, in the Lord.[4]
8. She believes plural marriages an eternal and necessary component of the religion established by the Prophet Joseph Smith and that it exists within a framework of personal covenants with God that serve to bind individuals and families into a covenant people.[5] As such, complying with the law of plural marriage will help prepare and qualify them to assist in the full establishment of Gods Kingdom upon the earth.
9. She believes that the rewards for living plural marriage within the above context are extensive and worth the effort.

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[3]This doctrine is succinctly stated in a 19th century Mormon publication: We cannot be married to our husbands for eternity, without subscribing to the law that admits a plurality of wives. See Samuel Richards, editor, *Millennial Star*, 15:226.

[4]Non-Mormon Yale Professor and religious critic Harold Bloom provides unusual and insightful perspectives about the importance of plural marriage within the overall establishment of Mormonism in his book *The American Religion* (New York: Touchstone, 1992), chapters 4 through 6. He states that the first two Mormon prophets Joseph Smith and Brigham Young Each understood that Celestial Marriage and consequent progress towards godhood were the true essence of becoming a Latter-day Saint, the heart of Mormon religion making. Without plural marriage as the instrument modality for Celestial Marriage, their quest would have seemed to both seers to have become the tragedy of *Hamlet* without the prince. p. 108.

[5]For an overview of the Mormon concept of covenant see Rex Eugene Cooper, *Promises Made to the Fathers: Mormon Covenant Organization* (Salt Lake City: University of Utah Pres, 1990).

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10. She believes that she is entitled to divine personal direction and that such guidance is necessary to learn whether she is approved of God to live plural marriage and to help her select a husband.[6]

Each of these ten beliefs constitute the general operating foundation for most Fundamentalist Mormon women who embrace plural marriage. Two of these beliefs, purity in plural marriage and the rewards promised for living plural marriage, are discussed in more detail.

Purity in plural marriage. Perhaps the most difficult concept to comprehend is that the degree of sexual restraint required in plural marriage is completely opposite from what is generally imagined, i.e. the idea of indulgent sexual practices. (To help avoid such connotation is the reason Fundamentalist Mormons prefer to use the terms plural marriage, celestial marriage or patriarchal marriage.) Premarital sex, extra-marital sex, or cohabitation outside the marriage covenant are considered serious departures from religious belief. In reality, plural marriage includes a more standard of morality for both sexes and is intended to cultivate the highest integrity in matters of love and affection.

The powers of procreation are regarded by Fundamentalist Mormons as sacred not sinful within marriage. Expressions of mutual affection and the desire for children are the focal point of intimacy. Each marriage is a separate, private relationship. A couple's intimacy shared in any way with other wives or with anyone else is considered inappropriate. Although the wives in the family may love each other deeply and become intimate friends, they do not share a romantic nor sexual relationship.

A plural family generally starts with the foundation of the marriage of the husband to his first wife. The addition of a second marriage is not intended to alter the basic partnership of the first couple. Rather, it brings another dimension to the familial circle. This often requires adjustments of all parties to achieve a desired balance. Further adjustments are necessary with the addition of any new wives.[7]

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[6]Joseph Smith promised "that the Saints whose integrity has been tried and proved faithful might know how to ask the Lord and receive an answer" and that women would be empowered to do so by receiving temple endowments with their husbands. See *Teachings of the Prophet Joseph Smith*, p. 226. Also Ehat & Cook, *Words of Joseph Smith*, 5 October 1840 Note, 53-54. See also *Journal of Discourses*, 19:250.

[7]A 10-year in-depth study on the subject of the interpersonal relationships within plural families was conducted by Professors Irwin Altman and Joseph Ginat, whose findings are presented in their book , *Polygamous Families in*

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Contemporary Society, (New York: Cambridge University Press, 1996).

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The rewards of plural marriage. Like a monogamous family, a plural family inevitably takes on a life and character of its own. In its infancy it needs nourishment, attention, patience, comfort, unselfishness, awareness and love. In some cases, it experiences the terrible twos, childish tantrums, selfishness and stubbornness. During trying periods, family members begin to establish priorities and hopefully choose their battles wisely. They must learn when to give, when to take, when to let go, and when to hold fast. As with most families, there are moments when exhaustion and depression take over, when expectations crash and burn. Also typical of many families, new expectations, planted in reality and in a hopeful future, often spring forth when the participants remain devoted to one another and to their commitments. With enough nurturing, a plural family can become adaptable and flexible, yet consistent and reliable. Many of the ups and downs, joys and heartbreaks are not much different from those experienced in monogamous families, only more varied and usually more complex.

Many of those who experience plural marriage observe that opportunities and benefits exist in plural marriage which are not found in monogamy. If the challenges, sacrifices and responsibilities are greater, they say, so too are the joys, fulfilment and blessings multiplied exponentially. The practical and social advantages that may be implied, however, will not be discussed.[8] Rather, the focus here is upon the religious incentives perceived by most Mormon Fundamentalist women. First, they believe plural marriage is intended to ensure that a woman's marriage to the man of her choice--whose interest encompasses her full development and shares the highest form of pure love and intimacy endures forever and does not end with death. Second, they believe that they must keep *all other laws of God* for ultimate success in plural marriage. Because of this, they believe plural marriage provides the best platform for growth conducive for a woman to become the ultimate female: a wife, a mother, a queen, a priestess, a goddess--in every sense these words imply. Such rewards love, happiness, fulfillment and personal empowerment with her husband and with her sister wives--are not a vague achievement. They signify that as the family learns to participate with God in the salvation of all His children, they become no longer are mere

[8] "The Abrahamic Household," B. Carmon Hardy, *Solemn Covenant: The Mormon Polygamous Passage* (Urbana and Chicago: University of Illinois Press, 1992) 84-126.

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receptacles of blessings but begin to be givers of blessings.[9]. To Fundamentalist Mormons, the attainment of such faith is ultimate empowerment.[10] It is interdependent patriarchy *and* matriarchy in which one cannot exist without the other. It is a perfect union, a perfect balance of the eternal feminine and masculine.

With this vision, a woman in plural marriage is willing to endure possible consequences of temporal inconvenience and discomfort as well as any emotional and spiritual challenges that may arise. With this vision, she endures the contempt of society and the ever looming possibility for persecution and prosecution. Even if her husband or marriage fails, she will choose plural marriage with another family. It is when this hope or vision is lost that women often leave plural marriages.

Some historians have observed that plural marriage was established by Joseph Smith to enhance the patriarchal foundation and extend the prestige of Mormon males.[11] This has been sometimes interpreted to mean that females are considered lesser beings in Mormonism or that Mormon patriarchy of which plural marriage is a part--is inherently demeaning to women. Such views are short sighted and fail to comprehend the full religious thought intended by Smith. Fundamentalist Mormons believe that his lofty intention was to establish a covenant society wherein *both* men and women could ultimately know God for themselves, become joint heirs with Jesus Christ and thus be empowered to be gods in the ongoing work of the salvation of their posterity and the rest of the human family. Rather than oppression, it is perceived that the law of plural marriage is true liberation.

From this perspective, it is little wonder that Fundamentalist Mormon women have little interest today s feminist movement and its expressions of freedom. Such expressions to them are shallow by comparison. From this perspective, it is little wonder that Fundamentalist Mormon women are willing to take risks and make sacrifices to obtain the rewards that are promised, both for

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[9]For a full discussion of empowerment within the fulness of Mormonism, see David John Buerger, *The Mysteries of Godliness: A History of Mormon Temple Worship*, (San Francisco: Smith Research Associates), 1994.

[10]In this context, Fundamentalist Mormons often refer to the teaching of Joseph Smith that faith necessary unto life and salvation can only be produced in a religion that requires the sacrifice of *all* things. See Lectures on Faith, Lecture Seventh.

[11]Martha Sontagg Bradley, *Kidnapped from That Land: The Government Raids on Short Creek Polygamists*, (Salt Lake City, University of Utah Press, 1993) p 1. See also Lawrence Foster, *Religion and Sexuality: Three American Communal Experiments of the Nineteenth Century* (New York: Oxford University Press, 1981), p. 139.

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this life and in the hereafter.

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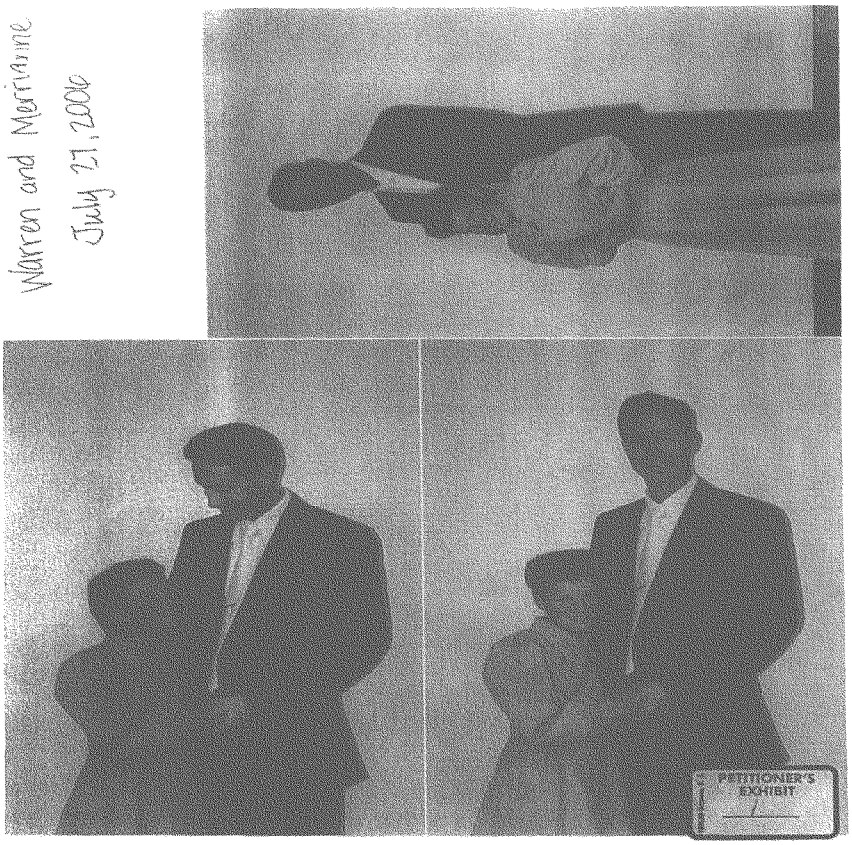
Warren and Marianne
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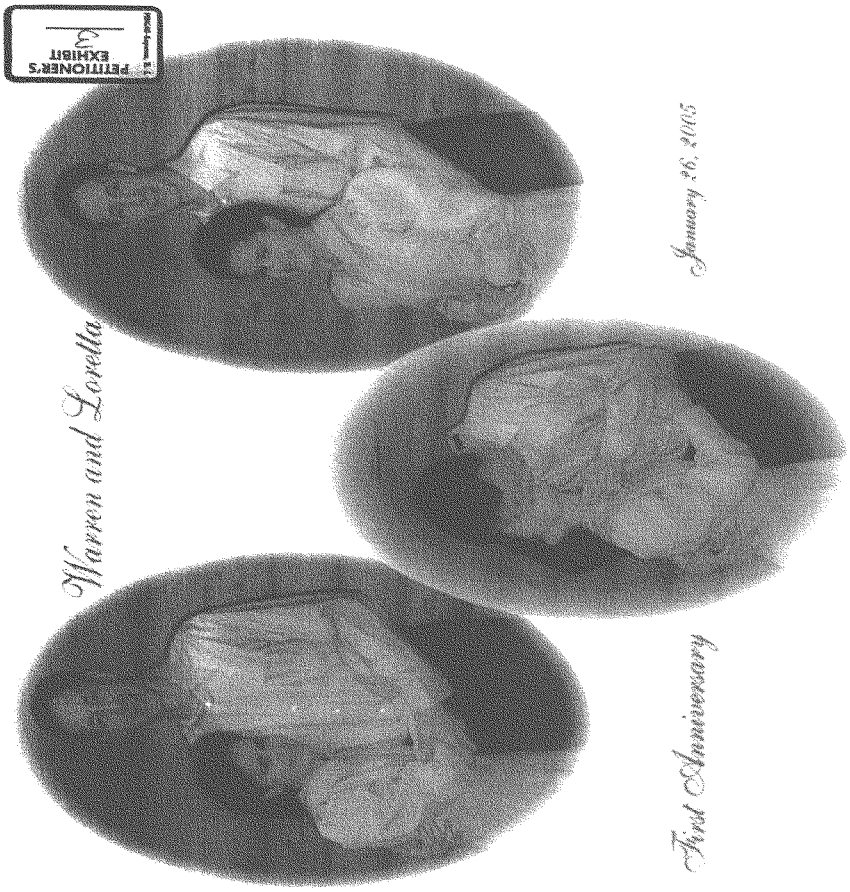
Warren and Loretta
Jan. 28, 1965
Kat Johnson
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STATEMENT OF SENATOR HARRY REID

Senate Judiciary Committee Hearing on "Crimes Associated with Polygamy: The Need for a Coordinated State and Federal Response."

July 24, 2008

Mr. Chairman and members of the Judiciary Committee, thank you for convening this hearing at my request.

The lawless conduct of polygamous communities in the United States deserves national attention and federal action. This hearing is an important milestone in the ongoing effort to curtail their pervasive criminal behavior.

By coincidence, this hearing is being held on the 24th of July, a day that is celebrated by Mormons around the world as Pioneer Day. This holiday commemorates the arrival of the Mormon pioneers to the Salt Lake Valley in 1847.

As a practicing Mormon, one who adopted this beautiful faith with my wife when we were young, I am proud of my church for its accomplishments and the progress it has made since Pioneer Day was first celebrated.

Indeed, we do honor to our pioneer ancestors by condemning those who have wrongfully cloaked themselves in the trappings of our religion to obscure their true criminal purposes.

For many years, these organizations received little attention from the rest of America. They isolated themselves in remote locations, and required their members to cut off contact with the outside world.

In the West, we have a live and let live attitude. We try not to bother our neighbors and we expect the same from them.

But polygamists have taken advantage of this attitude to form a sophisticated, wealthy, and vast criminal organization that has gone largely unchecked by government agencies.

Early in my career I chaired the Nevada Gaming Commission, fighting to get organized crime out of the Las Vegas casinos. The mob bosses I was up against practiced extortion, embezzlement, fraud, public corruption, obstruction of justice, and witness tampering. I faced death threats and constantly worried for the safety of my family.

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I am here to tell you that polygamist communities in the United States are a form of organized crime. I am not saying they are the same thing as the crime syndicates that used to run Las Vegas. But they engage in an ongoing pattern of serious crimes that we must not ignore.

The most obvious crime being committed in these communities is child abuse – teen and pre-teen girls are forced to marry older men and bear their children. But the criminal activity that goes on in these places is far broader. Witnesses at this hearing will describe a web of criminal conduct that includes welfare fraud, tax evasion, massive corruption and strong-arm tactics to maintain the status quo. These crimes are systematic, sophisticated, and are frequently carried out across state lines.

Today, polygamists have spread from Utah and Arizona into many other states including Nevada, Colorado, North Dakota, Missouri, New Mexico, and Texas. They have even expanded across international borders into Canada and Mexico.

State authorities are on the front lines of this fight, and I have great respect for their work. Today you will hear from two hard-working state attorneys general about their efforts.

But I have long believed that the federal government should play a larger role in this fight. The Department of Justice can help states enforce their own laws, and it can beef up enforcement of federal law.

Greg Brower, the US Attorney for my home state of Nevada, will testify today. Greg and his colleague from Utah, Brett Tolman, will discuss the growing federal-state partnership to address these lawless communities.

I have encouraged this federal-state partnership for several years. I first wrote to then-Attorney General Gonzales in 2006 to suggest a federal task force on polygamy. In recent months I have worked with Deputy Attorney General Mark Filip, who has assigned a senior federal prosecutor to coordinate federal action in this area.

And yesterday, I introduced a bill to strengthen this new federal-state partnership. The Victims of Polygamy Assistance Act of 2008 would establish a task force under the supervision of the Deputy Attorney General to bring together the various agencies necessary to deal with the broad pattern of criminal behavior perpetrated by polygamists.

The bill also authorizes grants to assist victims. Because these organizations routinely threaten, harass, and tamper with victims planning on testifying against them, it is necessary to provide targeted funds so that law enforcement can protect them and, if necessary, shield their identity.

These lawless organizations must be stopped. I appreciate the efforts of the Committee to shed light on this growing problem, and I applaud our witnesses and all others who stand up against these powerful criminal forces.

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Statement of Stephen Singular

July 24, 2008

Ladies and Gentlemen of the Senate Judiciary Committee,

I'm an investigative journalist and the author of 19 non-fiction books. Since 1985, I've been writing about that line where religion crosses over into criminal behavior. In early 2006, my wife, Joyce, suggested that I look into the story of Warren Jeffs and the FLDS, because she believed that women in particular would be interested in this story. She was right, and this is a significant point. Historically, societies can be measured by how they treat women and children.

That spring, I began traveling to Colorado City, Arizona, interviewing townspeople, ex-church members, and law enforcement. In 1953, Arizona had raided this community to root out the FLDS polygamous lifestyle, and had failed both legally and in terms of public opinion. Fifty years later, the state was employing criminal investigation techniques to target specific individuals who were breaking the law, and they were having success. Both Arizona and Utah were building a new approach to tackling what many have called religious terrorism.

One victory came with the capture of fugitive Warren Jeffs, the Prophet or leader of the FLDS. In September 2007, he was convicted on two counts of accomplice to rape for forcing a fourteen-year-old girl to marry her first cousin. Back in the 1970s, Jeffs was the principal of the FLDS-run Alta Academy, just outside Salt Lake City, and students there later described how he'd abused them emotionally and physically. His nephew, Brent Jeffs, eventually sued Warren and two of his brothers, alleging that when Brent was five, they'd repeatedly sodomized him in a bathroom in the school basement. Brent's brother, Clayne, another victim of these attacks, committed suicide. In 2004, when Brent filed a lawsuit against the Prophet, Jeffs responded to

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this legal action the same way he had to the American government and our criminal justice system: he'd ignored them. As the FLDS Prophet, he's also ignored:

1) The child labor laws of Arizona, Utah, and Nevada. Young FLDS boys were sent off to work in the church's construction companies, and because they were hardworking and unpaid, the sect could underbid the competition and generate both private and government business. One FLDS-run company, New Era Manufacturing, has a Department of Defense contract for aircraft wheel and brake manufacturing worth $1.2 million. JNJ Engineering has an $11.3 million deal with the Las Vegas Valley Water District. A third FLDS company, Paragon Contractors Corporation, has been fined more than $10,000 by the U.S. Department of Labor for employing twelve-to-fifteen-year-old boys, and not paying them.
2) Jeffs ignored the Mann Act, which makes it illegal for minors to cross state lines for sexual purposes. As the Prophet, he routinely commanded men to marry women and teenage girls in secret ceremonies in Caliente, Nevada, across the border from the FLDS home base in the twin towns of Hildale, Utah, and Colorado City, Arizona.
3) Jeffs ignored the laws against bigamy and underage marriage in Arizona and Utah, selecting the men who'd receive new brides and joining them in "spiritual marriages." These "plural wives" with dependent children then became eligible for welfare payments -- and welfare fraud. Colorado City has received eight times the welfare assistance of comparably-sized towns in the area. Despite violating these laws, Colorado City has been awarded $1.9 million from the U.S. Department of Housing and Urban Development to pave the streets and improve the fire department and water system; more than $12 million a year from Arizona in health insurance premiums for the poor; and a $2.8 million airport from Washington, D.C.

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The FLDS openly despises the American government while taking its money, a tactic they call "bleeding the beast."

4) Jeffs ignored the fate of hundreds of teenage males in his community -- known as "Lost Boys" -- after they rebelled against forced child labor and his other harsh rules. He tossed them out of Colorado City and Hildale, leaving them to fend for themselves on the streets of St. George, Utah, Salt Lake City, and Las Vegas. Some of the young men broke laws and were arrested, burdening local police departments and publicly-funded social services.

5) Jeffs ignored outside law enforcement because the border towns' police force was made up of FLDS members utterly loyal to their Prophet. After Jeffs had gone underground to avoid arrest, Colorado City Police Chief Fred Barlow wrote him the following letter: "Dear Uncle Warren, I would first like to acknowledge you as the one man that was and is called of God to stand at the head of his priesthood and the Kingdom of God on the earth in this day and time. I rejoice in the peace that comes over me when I follow the directives that you have sent to me through Uncle William Timpson...I am praying for you to be protected and yearn to be with you again...And I know that you have the right to rule in all aspects of my life..."

6) Jeffs ignored the genetic disorders caused by the sect's inbreeding. In Colorado City and Hildale, Phoenix pediatric neurologist Dr. Theodore Tarby uncovered the largest occurrence in the world of a rare disease called Fumarese Deficiency, which produces overly large heads, misshapen brains, deformities, seizures, and even death. The severe condition was one more drain on public monies needed for medical care.

7) Following his arrest, Jeffs and his lawyers successfully fought efforts to get at FLDS financial records, stored on computers in the vehicle in which the Prophet had been traveling. No complete picture exists of the FLDS income streams that supported Jeffs' lavish fugitive

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lifestyle, paid his colossal legal bills or other vast expenses. In 2003, the FLDS bought the Texas ranch for about $700,000. Today it has an assessed value of $20.5 million. Where did all the funds come from for these improvements, and for other purchases of land in South Dakota and more recently in Colorado? Has money been laundered or taxes evaded?

Until the FLDS is thoroughly investigated by those with subpoena power, the full extent of the sect's sexual abuse, forced marriage, underage marriage, and financial schemes will remain unknown. A nationwide network now exists of people who've escaped the FLDS and understand its workings from the inside out. They've spent years trying to get law enforcement to investigate the sect more fully, are willing to testify against Jeffs and his church, and they'd welcome federal action. The FLDS has become both a national phenomenon and a national problem -- creating generations of victims spread across the Southwest. None of this is about religious freedom or faith, and FLDS members should not be treated any differently from any other American citizen. This is about uncovering and prosecuting individual criminal behavior by those who've violated state and federal laws, which is the best way to stop those who terrorize in the name of God. I respectfully ask you to consider these words and warnings from someone who's spent more than two years investigating this sect. Thank you.

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Department of Justice

STATEMENT OF

BRETT L. TOLMAN
UNITED STATES ATTORNEY
DISTRICT OF UTAH
UNITED STATES DEPARTMENT OF JUSTICE

BEFORE THE

UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY

CONCERNING

"CRIMES ASSOCIATED WITH POLYGAMY: THE NEED FOR A COORDINATED STATE AND FEDERAL RESPONSE"

PRESENTED

JULY 24, 2008

Chairman Leahy, Ranking Member Specter, and Members of the Committee, I am Brett Tolman, United States Attorney for the District of Utah. The title of this hearing is, "Crimes Associated with Polygamy: The Need for a Coordinated States and Federal Response". I am here to testify that Utah has a proud history of a coordinated State and federal response. For years now, my office and various agencies such as the Federal Bureau of Investigation (FBI), Drug Enforcement Administration, Internal Revenue Service (IRS), and Department of Health and Human Services have worked with state and local agencies to investigate allegations that crimes such as sexual exploitation of children, fraud, structuring financial transactions to avoid Bank Secrecy Act reporting requirements, drug trafficking, and violent crimes were being committed by members of various polygamist groups in Utah. In fact, a large reason why several states and even other countries have confronted the issues surrounding polygamist communities is because of the great investigative and prosecutive efforts in Utah. The aggressive prosecutions by the Utah Attorney General's Office, various county attorney offices, and the U.S. Attorney's Office have pushed some members of polygamist groups from Utah to other states and countries, resulting in Utah's inter-state coordination efforts.

Let me now speak to how the existing coordinated efforts have been successful. It is public knowledge that there are ongoing federal investigations involving potential federal criminal activity at polygamist communities. On April 10, 2008, the FBI and the United States Attorney's Office for the Northern District of Texas announced that a federal search warrant had been executed at the YFZ Ranch in Eldorado, Texas. At that time, they also stated that the application and affidavit were under seal, and that no further comment could be made because ofthe pending investigation. I understand that the investigation may be of interest at this hearing, but I am unable to discuss it as the investigation is still pending.

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But I can assure the Committee that other federal efforts are ongoing. Without going into the details of non-public past or present investigations, such efforts have involved the full cooperation, coordination, and communication of multiple federal, State, and local agencies, including, but not limited to, the FBI in Utah, Nevada, and Dallas, Texas, the Arizona Attorney General's Office, the Utah Attorney General's Office, the United States Attorney's Offices in Arizona, Utah, Nevada, and the Northern District of Texas, county authorities from Mohave County, Arizona and Washington County, Utah, and other federal agencies such as IRS Criminal Investigations and the Bureau of Alcohol, Tobacco, Firearms and Explosives.

Just recently, on June 11, 2008, I personally met with many high-level State and federal law enforcement officials from Utah, Arizona, Texas, and Nevada to discuss these issues. United States Attorneys from throughout the country were present. The group agreed that the federal, State, and local prosecuting and investigating agencies have a proven and effective working relationship, but that we can do a better job of sharing information. We shared a lot of information at the meeting and have continued to do so since. The group has been communicating by email, and a Special Interest Group on Law Enforcement On-Line and a central database for information sharing have been created. We have already experienced and expect to continue to experience great results from these new avenues of communication.

In addition to this, for example, the United States Attorney's Office in Arizona sent a prosecutor to Texas to talk with the Texas Attorney General's Office, the Texas Rangers, local sheriff's offices as well as federal law enforcement in Texas. The purpose of the meetings was to offer assistance to Texas law enforcement and to ascertain the facts as they may relate to any matters in Arizona. In addition, federal prosecutors in Arizona continue to partner with the Arizona Attorney General's Office to investigate crimes within the State.

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Some have suggested creating a task force to deal specifically with these polygamist issues. With respect to crimes associated with polygamist groups, however, I believe that there is already substantial communication and coordination among federal, State, and local offices, indeed, just as much as there would be were a formal task force in place. Moreover, although task forces are an effective mechanism to combat many types of criminal conduct, they just may not be a good fit in this context. Polygamist communities are highly self-contained and insular, which makes them difficult for law enforcement to infiltrate. Moreover, whether it is due to loyalty, sincere religious belief, or coercion, their members are frequently uncooperative with law enforcement. In large measure, when past investigations have stalled, it has been a result of these witness issues. In this context, a task force may be too blunt an instrument to accomplish an effective investigation, and subtler and more covert methods may be more profitably employed.

Let me turn now to some public cases in which federal law enforcement resources have been brought to bear on this issue. One example from the recent past is the case of Warren Jeffs, the leader of a polygamist sect in Utah. Jeffs was charged by Utah with being an accomplice to rape, for using his religious influence over his followers to coerce a 14-year-old girl into marriage to her 19-year-old cousin. Jeffs went on the run and was missing for two years. The United States Attorney's Offices for the District of Utah and the District of Arizona brought federal "unlawful flight to avoid prosecution" (UFAP) charges, and a federal warrant was obtained. The federal UFAP statute, 18 U.S.C. § 1073, makes it a federal felony for a person to travel across State lines to avoid a State prosecution, or imprisonment after a State conviction. This statute allows a federal arrest warrant to be obtained and federal resources to be employed to capture state fugitives. Jeffs was ultimately placed on the FBI's Ten Most Wanted Fugitives

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list, and, after a nationwide manhunt, he was eventually captured in Nevada and returned to face justice in Utah. He was convicted and is serving two consecutive terms of five years to life. He still faces charges in Arizona relating to the alleged arranged marriages of underage girls. After he faces State charges in Arizona, Jeffs will be returned to Utah, where he will be prosecuted by the U.S. Attorney's Office on a federal felony UFAP charge. Federal search warrants were also used to obtain evidence against Jeffs.

Another serious example occurred several years earlier in the case of Addam Swapp, his brother, Jonathan, and members of the Singer family – all members of a small polygamist clan in Utah. On January 16, 1988, they placed a bomb in a church building owned by the Church of Jesus Christ of Latter-day Saints in Marion, Utah, which exploded causing massive damage. A subsequent standoff with law enforcement authorities ended with a shootout at the family's compound on January 28, 2008. A Utah Department of Corrections Officer, Lt. Fred House, working as a part of a federal-State law enforcement joint effort, was killed. Four family members from the Swapp/Singer families were prosecuted and convicted in Federal court on charges ranging from attempted murder of federal agents, bombing the church, and resisting arrest. Sentences ranged from 20 years to five years. John Timothy Singer and Addam Swapp were convicted of State charges arising out of the killing of the Utah corrections officer. Addam Swapp finished his federal sentence and is currently serving his State sentence.

This concludes my prepared comments. Thank you again for this opportunity to address you, and I would be happy to answer any questions you may have for me.

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