

## **Exhibit Number: 1**

**Labeled exhibits 2 & 4**

Representative Matthews requested that exhibit 1 be scanned in its entirety for both HJ 19 and HB 588

**“Brandon Patch Baseball Player Protection Act”**

**The original exhibit is on file at the Montana Historical Society and may be viewed there.**

EXHIBIT 2 + 4  
DATE 2-17-05  
HB HJ 19 & HB 588

February 15, 2005

To Whom It May Concern:

I am writing this letter in support of House Bill 588 and HJ 19. My experience on the issue of wood bats vs. non wood bats comes from many years as a baseball coach in Montana. At Miles Community College we spearheaded the effort to change to wood bats in the MonDak Conference soon after the Brandon Patch tragedy.

I feel that the change has been beneficial in many ways to our baseball program and to baseball in Montana in general. From a budget standpoint we spend far less from year to year on wood/composite bats than we did on non-wood bats. The best technology now costs in the neighborhood and sometimes exceeding \$300 per bat. I currently purchase 6 bats for \$720 from the Baumbat Company which are very durable and perform exactly like a "real" wood bat. Many other companies make very durable composite-wood bats for under \$100. The current technology in non-wood bats is so performance based that we experience much more breakage and damage to the thin-walled alloy bats than we ever have with the Baumbats. The 90 day warranty is evidence of that fact. The non-wood bats are replaced annually by most players simply because they don't perform as the newest models and they are not durable. The days of the early 1980's when bats were used for several years are gone.

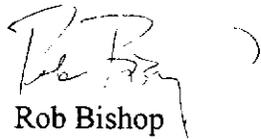
From an observers standpoint I watch approximately 100 Montana legion games each summer. Last year I made notes of how many bats each team had that I observed and which models they were using. The average number of bats in each teams dugout was eight! The models were never more than 2 years old and the high majority of bats actually used in games were the "latest and greatest" \$300 models. Each player usually had their own personalized bat. In the Montana "AA" state tournament last year in Kalispell each of the teams represented had an average of 10 different bats used per game. Again, the newest models were the most popular as they perform better.

The most interesting thing that I have observed over the past several summers is that most of the tournaments are already being billed as "wood bat" tournaments. It is very popular to play with wood and the players thoroughly enjoy it. The idea that the legion teams would spend more money with wood bats is not accurate. Most of them already participate in several wood bat tournaments by choice and buy the bats anyway.

In closing I have visited with coaches and people that have differing viewpoints on this issue. The one question I always ask is what reason can you use to justify the use of alloy bats? I have yet to here an answer that even approaches satisfactory. The safety advantages are obvious to anyone in the business and the cost issue is not an issue. Alloy bats are simply more expensive than the current wood/composite bats are! I would

welcome the opportunity to answer any questions regarding this issue . I can be reached at work during the day at 406-874-6169.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Rob Bishop". The signature is stylized and somewhat cursive, with a large initial "R" and "B".

Rob Bishop  
Miles Community College

**College Programs and Leagues that currently use wood bats**

Scenic West Athletic Conference: Salt Lake Community College  
College of Eastern Utah  
College of Southern Idaho  
Community College of Southern Nevada  
Dixie College  
Colorado Northwestern Community College

MonDak Conference: Miles Community College  
Dawson Community College  
Bismarck State College  
Williston State College  
Minot State University- Bottineau

Dac-10 Conference: Dickinson State University  
Valley City State University  
Jamestown College  
Minot State University  
Mayville State University  
University of Mary  
Huron University  
Dakota State University

\*\* This league just switched after doing a cost feasibility study.

NWAAC Conference: To Many to list. All of the community colleges from Washington and Oregon (20 schools approx.)

There are no college conferences in our entire region that use non-wood bats. The college programs have found safety and affordability in this decision to go with wood/composite bats. It is impossible to make an argument that metal bats are more cost effective in my opinion. Bats are not durable and have only a 90 day warranty while the cost of the best technology is skyrocketing.

Cost analysis for Miles Community College:

We spend \$720 per year on 6 composite bats for the team. They are very durable and last several years each. We have not broken one bat in our 4 years of using them. Before wood bats our budget would buy 3 metal bats for \$300 each and sent many of them back because of cracks or breakage. The technology has become so performance driven that metal bats are not durable as they were originally in the 70's and 80's.





# STERLING McCLELLAN POST 142

THE AMERICAN LEGION  
171 American Legion Boulevard  
Pompano Beach, Florida 33060  
(954) 942-2448 • Fax: (954) 942-2451

## OPEN LETTER TO THE NATIONAL EXECUTIVE COMMITTEE FROM A POST COMMANDER

January 8, 2005

Dear National Executive Committee Members,

One thousand, one hundred, and eighty three delegates representing the Department of Florida in convention unanimously passed on July 9, 2004 the "Return to Wood Bat" Baseball Resolution. This Resolution was reviewed by the National Americanism Rules Committee, moved to the National Americanism Committee, and moved from the National Convention to the National Executive Committee (NEC). Baseball Chairmen representing all departments of the American Legion reviewed the resolution during the Americanism Conference at National Headquarters on October 29-31, 2004.

The rules committee of Legion Baseball reviewed the NEC Wood Bat Resolution and the Minnesota Wood Bat Resolution (4<sup>th</sup> year). The Minnesota Resolution received support of the Northeast Region of Legion Baseball representing 675 of 5,410 total Legion Baseball Teams nationwide. The other members of the rules committee voted against the Minnesota Resolution which included Wood "composite" Bats.

The NEC Wood Bat Resolution from Department of Florida, Major League Baseball (MLB) Wood Bat Rule, wood bats only, was not voted on. Opinions were solicited on the subject. The Baseball Committee in full business session did not vote on the NEC Resolution.

The business session included a presentation by Mr. Jim Darby, of Easton Bat Company. Mr. Darby was given the podium for his presentation. Department Chairmen wishing to address the bat issue had to do so from the

National Executive Committee  
January 8, 2005  
Page 2

floor of the meeting. Two days prior to the business session, at a Rules Committee meeting, Department Chairmen inquired why a coach of the National Collegiate Athletic Association (NCAA) or a representative of the Wood Bat Industry were not allowed the same privilege of the podium to present their views on this issue.

Following Mr. Darby's presentation, Mr. Sperling introduced the New Jersey Department Delegation regarding "altered" equipment. A coach rose from his chair in the audience to demonstrate a swing of an aluminum bat used in the on deck circle during the state finals in Atlantic City New Jersey. The top came off the bat revealing that it had been modified with a "5 lb" device. The bat had been used for "15 years" with this modification. "New Jersey Baseball would probably be out of business" stated the New Jersey coach had the device hit a person.

The Legion Rule book in Florida and the Legion Insurance only cover aluminum bats meeting the published rules. Modified bats are not within the rules. Aluminum bats cannot be checked without a tool kit, a procedure well beyond the scope of an umpire's resources. Aluminum bats are "sealed" and cannot be broken open to detect tampering. Wood Bats that are corked can be broken to determine tapering. The modified New Jersey Aluminum Bat had been used for "15 years". The coach of the delegation of the Department of New Jersey stated that they "did not have enough insurance to cover that." "Don't let it happen" was the request of the coach.

Attached to this letter is the agenda for American Legion Baseball of the 2004 Americanism Conference. Three (3) agenda items are dedicated to finding out how to get Post marketing, sponsorship, and supervision for Legion Baseball. Three periods of discussion were held on Post jurisdiction and supervision from 9:30 AM to 11:30 AM October 29<sup>th</sup>. Based on these conference discussions showing reluctance by Posts to support teams, committee presentations, and the following official filing regarding wood bats with the Consumer Product Safety Commission,

National Executive Committee

January 8, 2005

Page 3

"Mr. Milton A. Gordon, Chair of the "blue-ribbon" Research Panel formed by the NCAA Executive Committee said "In terms of both risk and integrity, the panel concluded that wood should be the standard. Given the fact that baseball has been played with wooden bats since the inception of the game, the group determined that the level of risk associated with wooden bats is generally accepted by all associated with the game.""

I ask the NEC to suspend the use of aluminum bats in American Legion Baseball. There is liability to Posts, as sponsors of an American Legion Baseball Team that have an incident of injury or death from a batted ball off a modified aluminum bat, intentional or unintentional through use. S. A. Van Dyk enclosed a yellow insert for 2005 insurance applications stating "Be aware that this Plan may not pay for all the unpaid balance from an injury." The competition and requests for American Legion Baseball and Post funds are enormous. The potential of a direct lawsuit for aluminum bat product tampering cannot be allowed to imperil our Legion Baseball programs or the existence of the League and the Posts.

The Americanism Conference presentation by Ms. Maggi Van Dyk, President S. A. Van Dyk, Inc., Legion Baseball Insurance revealed 36 more injuries chin to top of head over the previous year. These material claims brought forth the suggestion that headgear be worn as used by Hockey Goalies. The Post Insurance Program, the insurer for Post facilities and employees sent a separate questionnaire by US Mail to Posts requiring documentation of the existence of an American Legion Baseball Team before issuing a 2004-2005 policy renewal, the first time ever that anyone remembers such a survey being taken. Can American Legion Posts afford these increased insurance costs? The 2005 S. A. Van Dyk Insurance application yellow warning insert pointing to page 3 of the Sentry Insurance Policy also states "... The patient may have some out-of-pocket expense". The opportunity for the parents to make a claim for these unpaid out-of-pocket expenses can present itself at any General Meeting of the Post.

National Executive Committee

January 8, 2005

Page 4

Mr. Jim Quinlan, American Legion Baseball National Chairman, alerted me to the death of Legion Baseball player Brandon Patch from a batted ball off an aluminum bat in 2003. Mr. Quinlan is looking to College Baseball to lead the way on Wood Bat use. The American Baseball Coaches Association (ABCA), representing thousands of College coaches met in convention January 6-8, 2005, Nashville, Tennessee. I was there to see if Post Commanders would get support from the College fraternity.

Coach Mike Scolinos, formerly of Pasadena City College, California, was eye witness to the severe injury of a college player by a batted ball off an aluminum bat during a college game in the Fall of 2003. The time from injury to the Los Angeles Trauma Center was ten (10) minutes. This is arguably the top brain treatment center in the nation. Doctors commented that they felt the player would die. Surgery was performed to remove the skull and implant it into his stomach allowing the brain to swell. Several days passed. Today the player has returned home to Australia. He could not remember his two and one-half months in the United States. Reportedly he is now a bartender and has trouble retaining an order of more than three items.

Mr., Quinlan points to the NCAA to lead the way. The American Legion is a leadership organization of America. A suspension of Aluminum Bat for the protection of Posts from litigation is essential to preserve Legion Baseball.

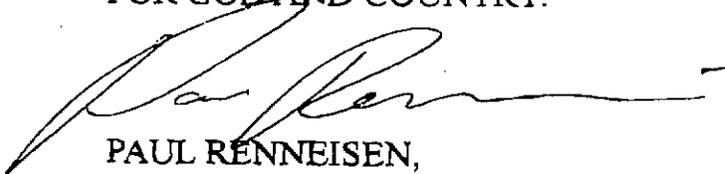
Mr. Tom Sperling, Chairman of Legion Baseball for the Department of Florida, has stated he will not implement or enforce the Department of Florida Return to Wood Bat Resolution duly passed by the official 2004 Florida State convention of the American Legion. Accordingly, when the tournament champion of District 9S of the Southern Area advances to regional, state or national tournament seeding in 2005, we will require that any aluminum bat used in a Legion game that results in a batted ball that injures or kills a player, that the aluminum bat be immediately quarantined, packaged and sealed for examination by the authorities.

National Executive Committee  
January 8, 2005  
Page 5

For liability reasons Post Commanders cannot permit the use of any bat except Major League Wood Bat rule wood bats. It is time to implement the unanimous vote to use Major League Wood Bats, duly voted by the Department of Florida, before another fatality occurs.

I sincerely hope each and every member of the NEC can step up to this challenge and turn it into a giant step toward traditional American Values.

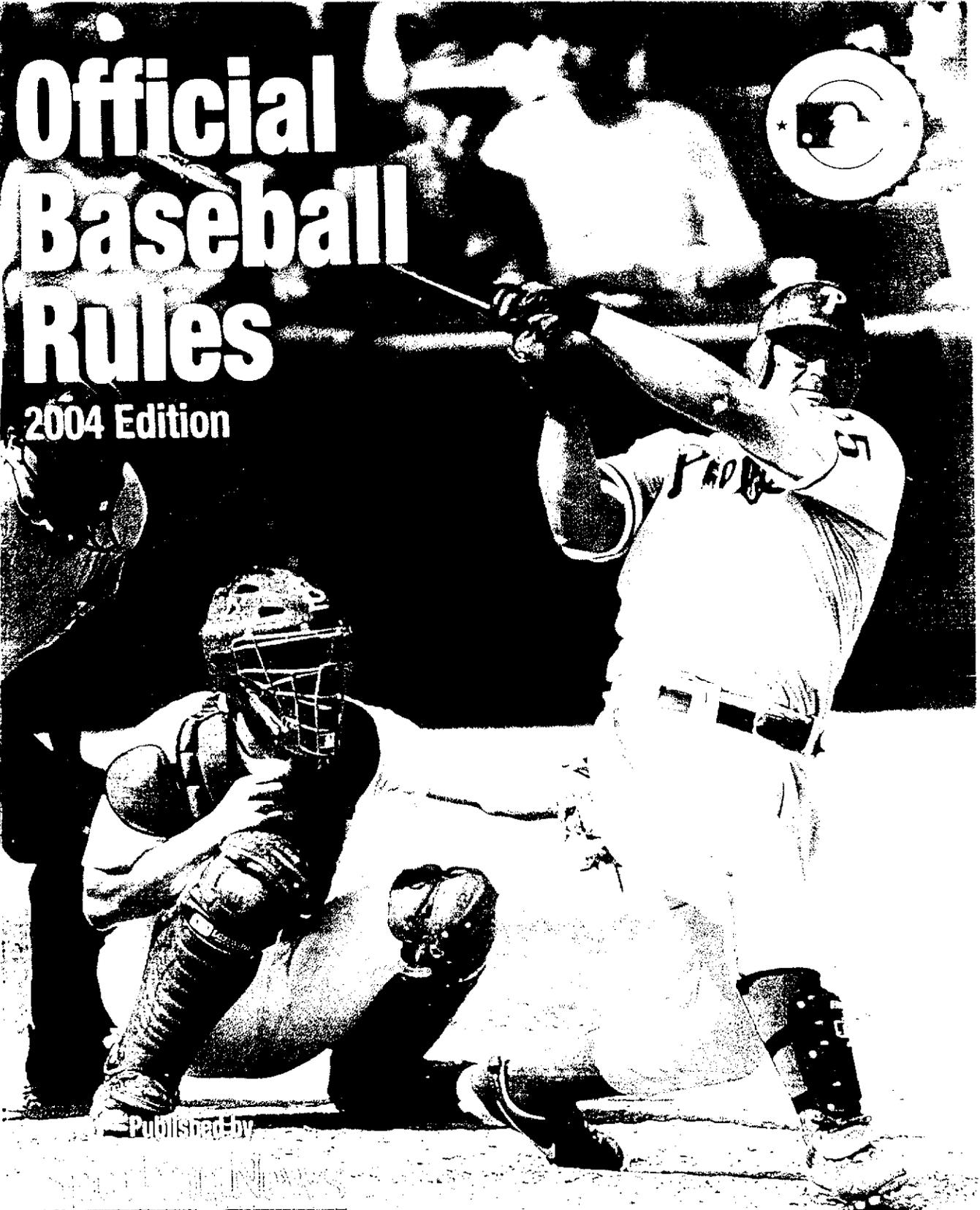
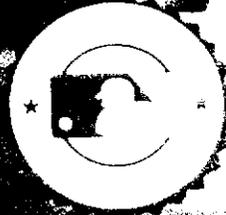
FOR GOD AND COUNTRY:



PAUL RENNEISEN,  
Commander, Sterling McClellan Post 142, Pompano Beach, Florida.  
E-mail: [alpost142fl@pngusa.net](mailto:alpost142fl@pngusa.net)  
See us at: [www.amerilegion.org](http://www.amerilegion.org) for background information.

# Official Baseball Rules

2004 Edition



Published by

**BOOKS**

**1.08** The home club shall furnish players' benches, one each for the home and visiting teams. Such benches shall not be less than 25 feet from the base lines. They shall be roofed and shall be enclosed at the back and ends.

**1.09** The ball shall be a sphere formed by yarn wound around a small core of cork, rubber or similar material, covered with two stripes of white horsehide or cowhide, tightly stitched together. It shall weigh not less than five nor more than  $5\frac{1}{4}$  ounces avoirdupois and measure not less than nine nor more than  $9\frac{1}{4}$  inches in circumference.

**1.10(a)** The bat shall be a smooth, round stick not more than  $2\frac{3}{4}$  inches in diameter at the thickest part and not more than 42 inches in length. The bat shall be one piece of solid wood.

NOTE: No laminated or experimental bats shall be used in a professional game (either championship season or exhibition games) until the manufacturer has secured approval from the Rules Committee of his design and methods of manufacture.

(b) Cupped Bats. An indentation in the end of the bat up to one inch in depth is permitted and may be no wider than two inches and no less than one inch in diameter. The indentation must be curved with no foreign substance added.

(c) The bat handle, for not more than 18 inches from its end, may be covered or treated with any material or substance to improve the grip. Any such material or substance, which extends past the 18 inch limitation, shall cause the bat to be removed from the game.

NOTE: If the umpire discovers that the bat does not conform to (c) above until a time during or after which the bat has been used in play, it shall not be grounds for declaring the batter out, or ejected from the game.

(d) No colored bat may be used in a professional game unless approved by the Rules Committee.

**1.11(a)** (1) All players on a team shall wear uniforms identical in color, trim and style, and all players uniforms shall include minimal six-inch numbers on their backs. (2) Any part of an undershirt exposed to view shall be of a uniform solid color for all players on a team. Any player other than the pitcher may have numbers, letters, insignia attached to the sleeve of the undershirt. (3) No player whose uniform does not conform to that of his teammates shall be permitted to participate in a game.

(b) A league may provide that (1) each team shall wear a distinc-

**Bernice Matthews**

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**From:** "Rob Bishop" <BishopR@milescc.edu>  
**To:** <matthews@midrivers.com>  
**Sent:** Wednesday, October 08, 2003 11:50 AM  
**Subject:** Bat Issue, Miles Community College

Dear Mr. Matthews,

I appreciate your inquiry into the issue of wood bats versus the currently used metal bats. The MonDak athletic conference that Miles Community College participates in has recently made the decision to switch to wood bats. The vote was unanimous by the participating coaches and institutions. We felt such a change would be beneficial to our league and the game of baseball. All of the participating coaches believe that the currently used alloy bats pose a liability risk to each institution and are certainly a safety issue when looking at the game of amateur baseball.

>From my viewpoint there is not one legitimate argument for continuing to use the newest alloy bats. Cost is no longer a factor with wood bats as many companies are manufacturing composite wood bats that significantly reduce or stop breakage. This along with the fact that most alloy bat companies have priced their bats at between \$200-\$400 has made wood or wood composite the way to go. All of the alloy bats we had purchased last year carry only a 90 day warranty because the alloys are made so thin as to improve performance and decrease weight. It is not good business for the major alloy bat companies to make bats that last because they can sell more \$300 bats if they last one season or less. Composite bats are priced at between \$49-\$120 with many of them lasting years! Our program purchased 6 wood composite bats 3 years ago and are still using the same ones in practice this fall. There is not a shortage of composite or wood bats. Most of the companies that we have used can deliver in days.

The integrity of the game is another overwhelming factor in why the change to wood is the right thing to do for baseball. For instance in our program last season, every starter had a batting average over .320. The new alloy bats make average players great and great players dangerous. Our team batting average approached .350 which is to any fan of baseball, ridiculous. In my eyes it would be similar to playing basketball on 8 foot hoops with the bigger, stronger athletes of today. We had many 4 hour games and 8 hour doubleheaders because the hitters completely dominate the game which is the opposite of how the game is designed. By using the professional game as our model, pitching and defense along with solid fundamental hitting is how the game should be determined.

Another argument for wood bats is the development of players. Collegiate and high school programs already implement wood bats into their practice regimen because it creates players that are capable and understand how the game is to be played. Professional scouts will all be in favor of the switch because it is very difficult to evaluate hitters using alloy bats. We are seeing more and more arm injuries in young players because of their reliance on curveballs or other offspeed pitches at to young an age. The way to develop players is to keep them throwing fastballs and the only way to do this is to make the fastball the most effective pitch in baseball. Wood bats do exactly that. They take the advantage back in the direction of the pitchers mound.

Safety is obviously the most pressing issue with the discussion of wood bats. The exit speeds are not similar in alloys and wood bats. I was injured myself 2 years ago while throwing batting practice. I broke a bone in my face after a ball was smashed through a protective screen and hit me in the cheek. A person that advocates alloy bats has not played recently or coached recently. I have not talked to a single high school or college coach that does not believe that wood bats are the direction baseball should

10/9/03

Mr. Mathews,

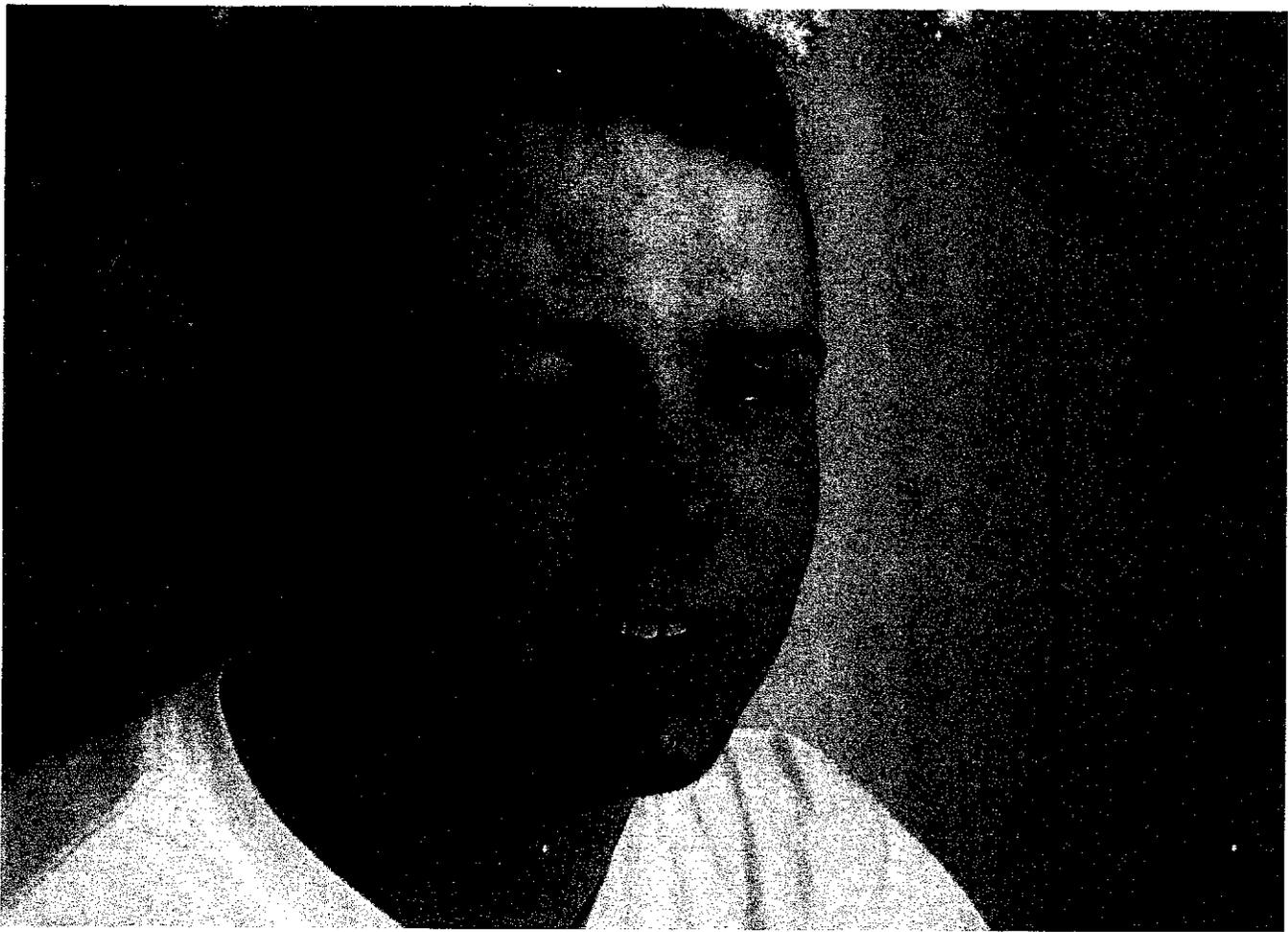
I am the head coach of the Kalispell Lakers American Legion Baseball team. I am in complete support of your bill to eliminate the use of metal bats. Each year, we participate in a variety of tournaments. Some tournaments are metal bat tournaments and some are strictly wood bat tournaments. The difference is astounding. In a wood bat game, the score is lower, the homeruns are reduced and the game time is cut nearly in half. This is a result of the inability by the offense to hit the ball as hard which keeps more balls in the park and more plays to be made in the infield. Some will argue that the same injuries that occur with metal bats would also happen with wood bats, to some extent that may be true but I can tell you without a shadow of a doubt, that the reaction time for a player to a ball hit with a wood bat is much greater than the time allowed for a ball hit with a metal bat. For years, I have said to my assistant coaches, board members and anyone else who will listen, that I hold my breath each year, each pitch and each at bat for my pitcher and my third baseman. The balls hit at them by metal bats does not allow the reaction time necessary to protect themselves let alone make a defensive play. The plays that they often do make are just that, self defense.

For every Brandon Patch there are many many more near misses and unreported incidents. For every reported incident in a game, there are many many more incidents that you never hear of in practice. Last year, I had one of my 16 year old pitchers hit in the eye during a game. I have a photo of him that I am sending to you but to say that this event was scary would be an extreme understatement. That young man is not playing again this year.

You are going to hear the argument by American Legion Officials that we will be unable to host Regional Tournaments because the National Office will not adopt a wood bat rule. I don't care. Those are monetary concerns. Perhaps by Montana making a stand others will follow. You will most likely hear from spokesmen of the industry (Easton and others) that their tests prove the speed of the ball coming off of a metal bat is the same as a wood bat. This is not true. Their tests are slanted by using only the finest quality wood bats that end up in the hands of professional players. The next best bats go to the minor leagues and the quality diminishes as each level of play goes down. Therefore, the quality of wood bat that we will see will be far less and I can assure you that the speed differences are significant. The lobbyist for these companies will also say that by rule, anyone can use a wood bat if they wish, but ask any team out there if they would feel that they are on an equal field with me if my team used a metal bat and their team used wood? I can assure you that there would be no takers.

I want to make sure you know that I speak on behalf of myself and not my board or American Legion Baseball. In addition, I know that leagues are always concerned about costs so I believe allowing the use of composite wood bats are a good compromise. College players who have used composites will tell you that there is still a noticeable difference between composites and metal. Good luck with your bill. If there is anything I can do to help, let me know.

Mike McFarland  
P.O.Box 2356  
Kalispell, Montana 59903  
(406) 752-3745 261-4987 cell  
[oline@montanasky.us](mailto:oline@montanasky.us)



THANKS TO EVERYONE FOR YOUR THOUGHTS, PRAYERS  
AND PHONE CALLS!

I'M DOING GREAT....

12 STITCHES THAT WILL COME OUT NEXT WEEK  
THE DOCTOR SAYS HE THINKS MY VISION WILL BE OK  
NO BROKEN BONES IN MY FACE, BUT A NICE BLACK EYE

IT'S NICE TO KNOW HOW MUCH PEOPLE CARE... YOU ARE  
ALL AWESOME!!!

NEIL DEZORT

go. Anyone that has been around this great game for very long realizes that a 19-17 game with 8 homeruns and 6 pitching changes is not good for any team, individual or program.

In closing I feel that organizations that are advocating the continued use of the alloy bats are naive if not negligent. I have talked to many people concerning this issue and cannot come up with one legitimate argument for why we should not change to wood bats. It is better for the game, a safer alternative and there is no cost advantage to staying with the current bats. If we can improve the quality of play, develop better and more fundamentally sound players in a safer environment what else is there to be discussed?

Thanks again for your sincere interest in amateur baseball in Montana and throughout our region.

Sincerely,

Rob Bishop  
Miles Community College Baseball

House Bill #588 and House Joint Resolution #19

“The Brandon Patch Baseball Player Protection Act”

First and foremost, we support HB #588. We will also support Resolution #19 in the case that HB #588 does not pass.

Our son was a teammate and friend of Brandon Patch. He was playing first base the evening Brandon was hit by the batted ball. He was the player who caught the ball - after it struck Brandon on the side of the head.

Our son, too, was a pitcher for the Miles City Mavericks. Being a mother in the stands, my heart would drop to my stomach whenever the batted ball would whiz by within inches of his head. I cringed when the ball struck his chest. And I would gasp each time he reached out to grab the ball with his bare hand as it would go by the mound, fearing he would break every bone in his hand if he actually did catch it.

I thought of broken bones and bruises, but never did I think he could die. I knew the players used aluminum bats because they could hit farther and get more home runs. I didn't realize or understand the consequences that if the ball is hit farther, it also moves faster. If it moves faster, the reaction time for the pitcher is greatly reduced.

As adults we supported and encouraged Brandon and the other pitchers - what an honor to be a pitcher! As adults we failed to provide our children with a safe sporting environment. Please be accountable as adults and sponsors to do all within our means to protect our children. We need to make wise choices. Going to wood bats is a most important one.

Thank you for making this bill a reality.

Sincerely,



Mary Jo Roberts



Greg Roberts

February 15, 2005

To whom it may concern,

My 12 year old son plays baseball and my husband coaches. I have come to love the game and am their biggest fan. I never dreamed that my son could be possibly be killed by playing a game he loves.

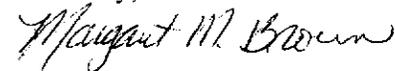
I strongly support House Bill 588 and HJ 19. I believe that putting an aluminum bat into the hands of a 16-18 year olds is like handing them a weapon. Many of these players lift weights and have the bodies of full-grown men. The power behind these bats can be deadly or maim a player for life.

I understand that a batter can hit a hard ball off of most places on an aluminum bat; whereas, you have to hit the sweet spot on a wooden bat to get it to really fly. I also understand that players have less reaction time because of the speed of the ball hit off of an aluminum bat.

I would like to know the advantages of using aluminum bats versus wooden bats, other than cost effectiveness. How do we put a price on a life? Are we really teaching kids good fundamental hitting skills or are they developing bad habits? Are we using aluminum bats for the right reasons or is it an ego booster?

A child shouldn't die playing a game.

Sincerely,



Margaret M. Brown

Miles City Area Office  
217 N Fourth Street  
PO Box 460  
Miles City, MT 59301-0460

February 15, 2005

To: Whom It May Concern:

Subject: Legislative House Bills 588 & HJ - 19

I am writing in regards and strongly support these two bills that will be introduce in the 2005 Montana Legislative session. These bills I hope will outlaw metal bats in our state so we as Montanans will not lose another young athlete. I feel that metal bat are made so that baseballs rebound or boomerangs off of them so much faster that a young player has no chance to react to save himself from a very serious injury. So another Mother or Father will never ever have to deal with the LOSS of their child because of these bats. I know that this issue will come down to money and it is sad that so called responsible people in our county as well as our state will put money ahead of safety for your young athletes. Please as responsible legislators and for the future safety of the game of baseball in Montana vote and help support these bills.

  
Michael Patch  
Maintenance Superintendent  
MDT.  
Miles City MT.  
406-233-3623 work  
406-234-5456 home

2-15-02

I strongly support House  
Bill 588 because -

1. Brandon Patch was my  
nephew.

2. My 16 year old son is  
a pitcher.

3. I support athletics but  
safety must come first

4. Aluminum bats are  
causing accidents all  
across the country. We  
are in touch with a jam.  
in Idaho whose son -  
luckily - survived a blow  
to his head by a ball hit  
off an aluminum bat

Please help us protect all  
children !!

Nancy Patch  
William Peter

February 15, 2005

To whom it may concern:

This letter is being written to support the LC2232 & Brandon Patch Act.

**A family has lost a SON, BROTHER, GRANDSON, NEPHEW, & COUSIN. A young man who loved the sport of baseball is now gone. Another young man who also loves the sport of baseball is now living with now and forever the fact he used a metal bat to hit a ball, that went racing across the field hit Brandon and **KILLED HIM!!!!** The next time you are watching your son, brother, grandson, nephew, or cousin play the game of baseball with a metal bat think of Brandon or the other young man, **IT COULD BE YOUR FAMILY'S WORST NIGHTMARE!!!** **PASS THE BILL LC2232 & BRANDON PATCH ACT**, don't let this happen to another family..**



Julie M Cook  
3708 Batchelor Street  
Miles City MT 59301

Date: February 15, 2005

To: Montana State Legislatures, Senators and House of  
Representatives

From: Barbara DeCock  
Box 132  
Rosebud, Montana 59347

Re: House Joint Resolution Number 19 and House Bill  
Number 588

As a mother, teacher and avid fan of baseball, I urge you to vote yes in favor of House Joint Resolution Number 19 and House Bill Number 588.

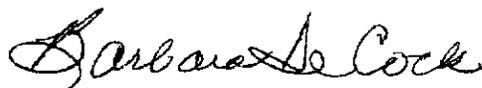
The safety of our youngsters both on and off the baseball field should be of paramount importance to everyone. I believe the universal use of wood bats will protect lives and keep the actual baseball competition a true competition.

Aluminum bats are merely the equivalent of steroids used outside the body. A hot bat does not measure the true ability of a ball player, it does however increase the danger of injury to others.

If players and managers at the major league level recognize and respond to the danger of aluminum bats how can we as parents and legislators do any less?

Please help protect our youth and their sport by voting yes for House Bill Number 588 and House Joint Resolution Number 19.

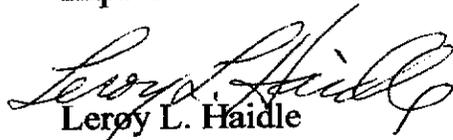
Sincerely,



Barbara DeCock

To Whom It May Concern

The proposed House Joint Resolution 19 would petition the Montana American Legion to adopt a wood bat rule only for Legion Baseball. I concur with the intent of this bill, and only hope that the change can be implemented for the coming 2005 season. Thus, it is important that the legislature take prompt action giving the Montana Legion sufficient time to implement the desired change.



Leroy L. Haidle  
414 Garfield  
Terry, MT 59349

1 408 635 6705 02/15/05 11:27am P. 004

February 14, 2005

To Whom It May Concern:

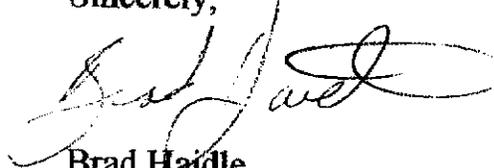
This letter is being written to support house bill LC2232 to urge the use of wood bats in American Legion baseball.

I have watched my son play baseball for 15 years of his life. He is 18 and is in his final year of Legion baseball. He was part of the team when Brandon Patch was killed by a batted ball from a metal bat on the mound in Helena. He continues to play for the Mavericks and will only play ball with wooden bats. The young men playing at this level are very developed physically and can hit the ball hard. When he throws the pitch, I feel a little more at ease knowing the ball is being sent to the field off of a wood bat and he will have more time to react after finishing his pitching motion.

As a father of a young man that loves the game of baseball, we need to do everything possible to make it a safe sport for our children to participate in.

You must do your part and help keep the game of baseball safe for our youth and played the way it was intended to be played with a wood bat.

Sincerely,



Brad Haidle

Box 34

Fallon, MT 59326

February 14, 2005

To Whom It May Concern:

This letter is being written to support house bill LC2232 to urge the use of wood bats in American Legion baseball.

I have watched my son play baseball for 15 years of his life. He is 18 and is in his final year of Legion baseball. He was part of the team when Brandon Patch was killed by a batted ball from a metal bat on the mound in Helena. He continues to play for the Mavericks and will only play ball with wooden bats. The young men playing at this level are very developed physically and can hit the ball hard. When he throws the pitch, I feel a little more at ease knowing the ball is being sent to the field off of a wood bat and he will have more time to react after finishing his pitching motion.

As a mother of a young man that loves the game of baseball, we need to do everything possible to make it a safe sport for our children to participate in.

You must do your part and help keep the game of baseball safe for our youth and played the way it was intended to be played with a wood bat.

Sincerely,



Jody Haidle

Box 34 Fallon, MT 59326

February 14, 2005

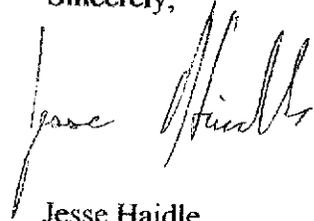
To Whom It May Concern:

This letter is being written to support house bill LC2232 to urge the use of wood bats in American Legion baseball.

I have played baseball for 15 years of my life. I am 18 now and in my last two years of baseball I have seen a dramatic change from, watching a teammate/friend die from a ball batted off an aluminum bat, to pitching against teams using a wood bat. Don't let anyone lead you astray; there is a huge difference between the two. Wood bats do not hit the ball nearly as hard. I have hit with both and have pitched against teams using both. Kids these days are a lot stronger and don't need an aluminum bat to hit home runs. I don't think it is fair for someone weighing 100 pounds and maybe being 5' 8" to hit a baseball over 350 feet. I have seen that.

In conclusion I would like this bill to be passed so no one has to go through what I saw and heard as the ball struck Brandon Patch. I don't want anyone to have to feel like my team and the opposing batter had to feel, and most of all I don't want to be the one to accidentally kill someone because I used a loaded bat.

Sincerely,



Jesse Haidle  
572 Marsh Rd  
Fallon, MT 59326

Jay Scott  
2541 Teakwood Lane  
Helena, MT 59601  
406-443-1030

To the members of the House Committee on Business and Labor:

I am writing to express my strong support for both HB 588, and HJ 19. My interest comes from two areas of involvement in baseball, as a radio broadcaster, and as an umpire.

I was broadcasting the game on the evening that Brandon Patch was hit by the line drive. It is my voice that ESPN used in describing what was going on both at the time of the pitch, and after. I was seated in the press box at Kendrick-Legion Field, and watched the ball hit Brandon's head, and bounce 30 feet in the air, above my position, before it ended up behind first base. I was on the air as the ambulance arrived. I watched the efforts to try to save him. Those were sights I do not wish to see again.

I began broadcasting baseball in 1968, and spent six seasons on the Chicago White Sox radio crew. I remember what it was like before metal bats were developed. Players did hit the ball hard with wood bats, but not nearly as hard as they do with metal

I began umpiring baseball in 1964, and have worked high school, college, and professional baseball. I was an umpire in the Big Ten Conference when metal bats were introduced into college baseball, and was working high school baseball in three states when they were legalized at that level. I was also working pro ball, with only wooden bats, at the same time. Early on, going back and forth between metal and wood bat games, it became obvious to me that the balls coming off metal were significantly faster. This was 30 years ago, and my observations and opinions have not changed since then.

I can't tell you how many times I have avoided being seriously injured by batted balls off metal bats by only an inch. Several times, I heard the ball buzz past my ear, or felt the breeze from the ball going by, as I only had enough time to move my head two or three inches. It is very disquieting. I have had baseballs off wood come at me as well, but I always had some reaction time. Not with metal.

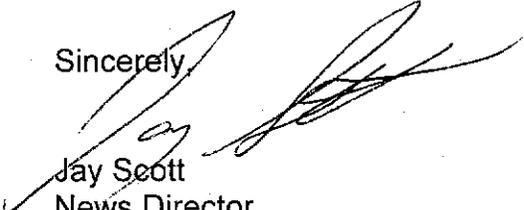
I would urge those of you who dare to stand on a baseball field 80 feet away from home plate, where an umpire or fielder stands, when a college student "gets all of a pitch" with a metal bat. That experience would end any

doubts you have about their appropriateness for older players. Brandon Patch was not 80 feet away that night. He was maybe 57 feet away. He never had a chance.

I am also drawn to the age limit of 15 years, in the bill and their elimination from American Legion baseball in the resolution. My experience is that younger players do not generate either the pitch or bat speed that older ones do. I believe that the bill as written is a well-crafted solution to a specific problem.

Again, I urge your support for both these measures. I would welcome questions should individual Representatives wish to call me.

Sincerely,



Jay Scott  
News Director  
KBLL Radio  
Helena, Montana



THE COUNCIL  
OF  
THE CITY OF NEW YORK  
CITY HALL  
NEW YORK, NY 10007

JAMES S. ODDO  
MINORITY LEADER

TELEPHONE  
(212) 784-7159

February 15, 2005

To Whom It May Concern:

As the author of legislation that would ban metal bats from high school baseball in New York City, I respectfully write to voice my support for the legislative proposals known as the "Brandon Patch Player Protection Act" and urging the State of Montana to adopt a wood bat only rule for American Legion baseball.

In one of the most infamous images in our nation's history, seven tobacco company CEOs testified before Congress under oath that tobacco was not addictive. A similar scene was played out in September 2002 at City Hall in New York City as bat manufacturers defied common sense by testifying not only are their hi-tech metal bats safe, but they do not hit balls faster or farther than wood bats. This was a pretty amazing assertion when you consider that this industry has spent millions of dollars on research and design with Alcoa and Kaiser to develop hi-tech alloys and has unleashed a sustained ad campaign extolling the enhanced performance of its latest innovations, for which they charge as much as \$300 per bat.

The fact is that from little leaguers to softball players, from American Legion leagues to Division I athletes, youngsters are being placed in danger for no real reason other than money. The science is irrefutable. The injuries and deaths are real. Bats with pressurized air chambers and bladders? Triple wall bats with coiled Springsteel? Bats made of scandium and other highly advanced materials? Bats developed under a cryogenic process where they are frozen at ungodly temperatures? Electric bats that convert vibrations into energy to lengthen the bat's "sweet spot?" All of this for a game that was designed for and around wood. Are these the lethal tools we want in the hands of our high school athletes? The bats are becoming lighter, the swings quicker --- and here is the crucial part --- the balls are traveling off these bats faster and further, all with a blatant disregard for safety of the players.

Bat manufacturers and leagues beholden to them will assert that there is no statistical proof of injuries. Of course there is not. They control the data, manipulate it and simply choose not to document it. Their Enron-like ways are evident when they assert a 76% decrease in Little League injuries when in actuality the 76% reflects a reduction in secondary medical insurance claims only. The two are not the same. Or how they assert NCAA injuries are minimal – ignoring the fact that only 10% of schools participate in the voluntary, highly flawed data collection program.

There is an arms race taking place among bat companies in America, and as a result our youngsters literally do not have enough time to protect themselves from line drives sprung from Easton or Louisville Slugger's devices. The driving force is the almighty dollar. This is a \$300 million industry that is growing each year. It is wrong to allow profits to yet again flout safety, even if the issue is falsely couched in the glory of America's pastime.

The pain endured by the Patch Family must be indescribable. Unfortunately, they are not alone.

**"The ball came rocketing off the bat, Ryan tried to get his glove up but a tenth of a second too late. The ball slammed into the side of Ryan's head. He went down hard. His legs were kicking. He was hurt bad. I stood up speechless. Ginny screamed Oh No, God No! You could hear other women begin to cry."**

—Dick Mills

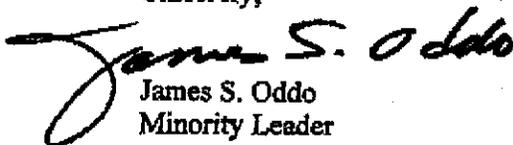
This moment in Dick Mills' life changed him forever. With his son Ryan lying on the field bleeding and his wife Ginny crying inconsolably, he came to realize the peril of non-wood bats and began his crusade to educate others on the dangers of their use. Every year, balls hit by metal bats injure baseball players. And, yes, from time to time, some of these ballplayers die from these injuries.

As someone who was touched by Mr. Mills' story, the story of the Patch Family and that of so many other parents, it has become my mission to ensure that government is proactive for once and acts to prevent such a tragedy **BEFORE** it happens. Unfortunately, getting government to move is not an easy task. It is a bit like getting Mo Vaughn home from second base. I write to seek your assistance in this cause.

For the sanctity of the game, but more importantly for the safety of our young people, we should act now before we have another tragic "I told you so" and another youngster from Montana is killed playing what is supposed to be a kid's game.

Thank you for your time.

Sincerely,

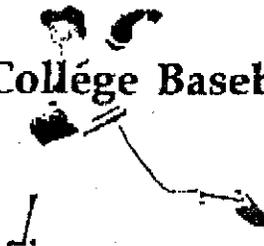
  
James S. Oddo  
Minority Leader  
New York City Council

**To the members of the House Committee on Business and Labor:**

**I am writing to express my strong support for both HB 588, and HJ 19. I have more than a casual interest in this bill. This March 16 will be the third anniversary of my grandson Ryan Cockrells devastating injury from an aluminum bat. Ryan was twelve at the time and doing what he dreamed of, pitching for his J.V. baseball team at Greenwood High, in Greenwood S.C. On Ryan's third pitch of the game he was struck in the right temple, rendering him unconcious and near death. Ryan hit the ground with a thud, whimpered only slightly and then nothing. A paramedic at the game began to administer to Ryan's needs, soon the ambulance arrived, Ryan had to be intubated en-route to the hospital. Upon arrival at the hospital a neuro-surgeon quickly told Ryan's parents to say their goodbye's because he felt Ryan would not survive surgery. Ryan endured two hours of brain surgery, was on a venilator and every opening in his body had a tube in it, within twenty four hours Ryan was back in for another two hour surgery, each time parts of Ryan's brain were removed. Two weeks after the second surgery another hematoma and another surgery. It is truly by the grace of God that Ryan is alive today. He suffered traumatic brain injury and is mentally and physically challeged all because of an aluminum bat. Ryan had no time to react, the speed of the ball off of the aluminum bats is leathal. It ceases, to be a game as long as these bats are legal. Our children are in the line of fire! There is a simple solution, outlaw these bats and bring back the game America has loved for years. Young men like Brandon Patch should not have to die needlessly. My Ryan's daily struggle is a testimony to the damage these bats do and how life will never be the same for him, it is this family's hope that you will hear our plea and bring back the wooden bats, please don't allow another life to be lost or shattered because of these leathal (bats) weapons.**

**Sincerely, Lynn Cockrell ( Ryans grandmother)**

*Lynn Cockrell*  
2-16-05



## Amherst College Baseball

Coach Bill Thurston  
Office Tel. 413-542-2284  
Home Tel. 413-665-4026  
Office Fax. 413-542-2026

Athletic Dept.  
Amherst College  
Amherst, Mass. 01002

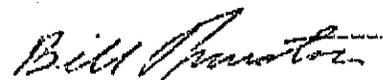
2/16/05

Dear Sirs:

I am Bill Thurston, Head Baseball Coach at Amherst College for the past 40 years, and from 1985 to 2000, I was the NCAA Baseball Rules Editor. During that period of time the NCAA spent a lot of time and effort attempting to control aluminum bat performance levels. We did not get co-operation from bat manufacturers and during the mid 1990's to the present time, numerous college, high school, and amateur pitchers have been seriously injured by batted balls off high performance aluminum bats. There is no question that the ball is hit faster, and more frequently faster, than off wood bats. Thus, pitchers and defensive players have less time to react and protect themselves. The game of baseball would be played safer using wood bats.

I strongly support resolutions HJ 19 and HB 588.

Sincerely,



Coach Bill Thurston  
Amherst College

**Jack Carlson**

---

**From:** "Glove Man" <cmflores1@houston.rr.com>  
**To:** "Mr. or Mrs. Patch" <forever11@imt.net>; "Glove Man" <cmflores1@houston.rr.com>  
**Sent:** Sunday, August 22, 2004 2:25 PM  
**Subject:** BESR and it's reality

Here's a web page on High School Baseball Web that you may be interested in reading:

<http://hsbaseballweb.com/eve/ubb.x?q=Y&a=tpc&s=5316041581&f=6616002781&m=350100395>

Here are the messages I thought you'd be interested in:

-----  
**Subject:** BESR and it's reality

**Author:** Glove Man

**Date Posted:** August 17, 2004

**Message:**

Most people think of the Ball Exit Speed Ratio being no more than 92mph, well that's just false if you ask me.

Take a look at this link and do some calculations on your own to see how hard and fast some of the balls can come off the bat.

<http://www.npl.uiuc.edu/~a-nathan/pob/BESRWhitePaper.pdf>

Now plug into the equation velocity of pitch at 80mph, and the bat velocity of 80mph. The BESR ratio is set at .728 (based on the studies).

I come up with a 116.48 mph missile coming off a bat.

I hope someone proves me wrong, just imagine an 90 mph pitch and a 80 mph swing. 118.76 mph

-----  
**Subject:**

**Author:** CADad

**Date Posted:** August 17, 2004

**Message:**

Your math checks out.

The BESR was a reasonable measurement before the flex bats. Some of the testing methods may not properly handle the effects of flex bats since one test method is holding the bat stationary.

The actual ball speeds off flex bats may be higher than indicated by the BESR.

You aren't going to see many 90 mph pitches in college though. It would take a 95 or 96 mph fastball on the gun to reach the plate at 90 mph.

-----  
 End of message(s)

total

I SUPPORT THE WOOD BAT BILL - HJ 19 AND BILL 588

NAME	ADDRESS
Loanne L. Harding	Box 518 M.C.
BOO Harding	Box 518 M.C.
Pat Sloe	#2 Box 3237 m.c.
Maurice Telfer	M.C. 59501
Veronica Livingston	1007 Leighton M.C. 59301
Candace Tracy	320 S. Montana MC
Deb Shaw	P.R. 1, Box 2272 Miles City, MT
W. Paul Dini	725 Missouri MC
John Loosley	Rt. 1 Box 2318 M.C.
Garry L. Kistner	Box 897, Ferry, MT 59349
L. Van Veen Sch	612 N Lake Ave m.c.
Chad St.	305 main st. m.c.
Charles A. Brown	1013 S. Custer Miles City MT
Mark Rinnby	406 Atlanta M.C. MT
Ralph Waldmann	1015 SO STRECELL M.C. MT
Ken Wain	1001 W. DAWLEY
Josephine	18N Jordan #8
Tom Zimmern	900 1/2 Alford Dr. m.c. mt
John A. Zimmern	900 Alford Dr. M.C. MT
John Zimmern	900 Alford Dr m.c.
Adrian Northon	712 N Custer
R.A. Pyle	806 woodbine m.c.
Sgt. Severance	812 Fremont M.C.
Terry W. W.	608 N. Montana AVE. M.C.
Leah K. Miller	1614 Batchelor St. MC
Jay Dee Kersel	504 S. Sewell
Harold Midinger	719 N. 4th M.C.
Marian Karaman	413 Kiarcher Rd m.c.
John Hill	P.O. Box 683 M.C.
John Zimmern	M.C. M.T. 707 S. MONTANA

2-16-2005

I support Bills S88 and HJR9.

Prohibiting the use of a nonwood bat will prevent the unnecessary injuries and death to all Baseball Players in the State of Montana.

Lou C. Campbell

2-16-05

I support Bills 588 and HJ 19  
in order to stop unnecessary injury and  
death to Baseball players in the State of  
Montana

Randy Crawford

2-16-05

I support Bills 588 and HJ 19 to ban  
the use of nonwood bats so that serious  
injury and death can not be caused by  
a nonwood bat

Jessie Cunningham

2-15-05

I, Judy L. Smith, am in favor of House Bill 588. I feel this way because of all the children getting hurt with non-wood bats.

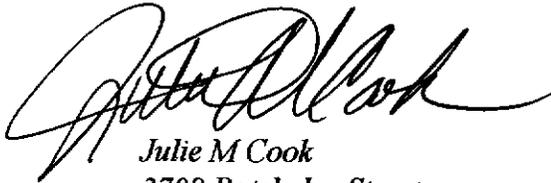
Thank you,  
Judy L. Smith

*February 15, 2005*

*To whom it may concern:*

*This letter is being written to support the LC2232 & Brandon Patch Act.*

*A family has lost a **SON, BROTHER, GRANDSON, NEPHEW, & COUSIN**. A young man who loved the sport of baseball is now gone. Another young man who also loves the sport of baseball is now living with now and forever the fact he used a metal bat to hit a ball, that went racing across the field hit Brandon and **KILLED HIM!!!!** The next time you are watching your son, brother, grandson, nephew, or cousin play the game of baseball with a metal bat think of Brandon or the other young man, **IT COULD BE YOUR FAMILY'S WORST NIGHTMARE!!!** **PASS THE BILL LC2232 & BRANDON PATCH ACT**, don't let this happen to another family..*



*Julie M Cook  
3708 Batchelor Street  
Miles City MT 59301*

To Whom It May Concern

The proposed House Joint Resolution 19 would petition the Montana American Legion to adopt a wood bat rule only for Legion Baseball. I concur with the intent of this bill, and only hope that the change can be implemented for the coming 2005 season. Thus, it is important that the legislature take prompt action giving the Montana Legion sufficient time to implement the desired change.



Evelyn F. Haidle  
414 Garfield  
Terry, MT 59349

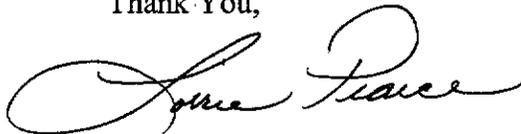
February 15, 2005

Subject: House Bill-588

To Whom It May Concern:

I am writing this letter in support of House Bill 588. Please support this bill, and show that you care about Montana's youth.

Thank You,

A handwritten signature in cursive script that reads "Lorrie Pearce". The signature is written in black ink and is positioned to the left of the typed name.

Lorrie Pearce  
901 Garland  
Miles City, MT 59301

Feb. 15-05

I, Gladys J. Comer  
sincerely support  
House Bill 588 & H.R. 19  
because it may save  
the life of another  
young man or child.

Sincerely  
Gladys J. Comer



Feb 15-85

I Lloyd G. Comer support  
House Bill 588 of July 19  
because they have a good  
chance to save the life of  
another young man or child.

Sincerely  
Lloyd G. Comer



To Whom It May Concern: Re: House Bill 588

H.C. - 19

There is not one reason I support Bills But Numerous, I will I will reflect my reasoning on a few & the most important reason through this letter.

[When the game of baseball evolved it was played with a wood bat, and is still played at the highest level you can play & that is the major leagues. Most major league pitchers today will tell you today if they ever allowed aluminum bats at that level they would pitch behind an L-screen or retire. These guys are the best of best & they are not dumb. If you want to see too home runs or easily more then why not have them in the majors. The players today at any level are bigger, stronger, & faster than ever before. Think about the biggest issue not only in baseball but all sports at all levels steroids. And if you think kids at the high school level are not taking performing enhancement supplements, you are not doing your homework & they are. So lets take a look at who has the advantage a pitcher or hitter. If you were to pitcher, you have never been so wrong in your life. I played baseball in the mid 70's & in fact was pitcher & always felt it was a even playing field. Not today & the no's will reflect that home runs, batting averages, etc. Athletes are athletes whether its the 60's, 80's or 05, what's ~~different~~ different is the no's put put up & the reason behind it. The safety of athletes in any sports & at any level has to take top priority. When person has an injury that may have been prevented, what do we do we take necessary measure's so it may be prevented next time & when a death occurs you go to the next level. I know this because even in my field as a operations manager for a sign company safety is first, last, always. On July 26, 2005 I watched my nephew Brandon pitch against Helena & that night changed my life forever, a ball hit off an aluminum bat killed my nephew, the amazing thing about it was I never seen the ball come off the bat along with players on Brandon's team & fans watching the game. I said earlier how I was a pitcher in the mid 70's and remember being hit probably 5 times in a 3 year stint in American Legion baseball, but always had a chance to react. My nephew never had a chance that night, and myself at that age would have not either. I only wish it would have been me instead of him. Money seems to be the biggest problem with our baseball programs today. Money is not a factor when it comes to safety. And it is not just one incident, it happens in our state & throughout the country, somebody going down or losing there life because they can't react to the ball coming off the aluminum bat. So lets reflect back to how I started this letter, kids today ages 15 to 18 are over!

[ Bigger & Stronger than they EVER HAVE BEEN, Just Like  
the PROFESSIONALS today, BECAUSE of what they can use in there  
Body's at any LEVEL. They will not Allow them in the Major LEAGUES  
but yet we allow our KIDS with LESS Reaction time to use the  
Aluminum Bat, and BELIEVE ME it will get worse BEFORE it gets  
BETTER unless something is done, I only ~~wish~~ wish something would  
HAVE BEEN DONE BEFORE July 26, 2003.

Sincerely, Jon Statch