

Exhibit Number: 8

The following exhibit is several assorted documents that exceeds the 10-page limit therefore it cannot be scanned. A small portion has been scanned to aid in your research for information. The exhibit is on file at the Montana Historical Society and can be viewed there.

George Haegele

From: <Jhelbs@aol.com>
To: <geosher@centurytel.net>
Sent: Tuesday, February 15, 2005 7:06 PM
Attach: Reply to Patch Bill.html
Subject: Re: My reply to the Patch Bill

George...here is my reaction to the pending "Patch Bill" outlawing metal bats.
Jack Helber

Subj: Re: My reply to the Patch bill
Date: 2/15/2005 5:07:43 PM Pacific Standard Time
From: Jhelbs
To: jsecserv@cyberport.net, chrismorford@hotmail.com

- (1) the bill speaks of eliminating injuries and deaths by a metal bat, but does not speak of the injuries that could occur with a wooden bat. There is no guarantee, nor can there be, that a ball hit by a wooden bat could have the same result. Baseball injuries are far fewer than football, basketball or soccer.
- (2) Metal bat companies have complied with youth league regulations concerning "exit speeds" off of the bat and have pretty much reduced it to the same as wooden bats. This concern by the youth programs and bat companies has been on-going and changes have been made every year, witness the introduction of the "negative 3" rule where a bat cannot have more than a 3 between the weight and length of the bat. (a 34 length bat with a 29 ounce weight is illegal, whereas a 32-29 is ok) All of this has been based on careful studies.
- (3) the use of the word "composite" in the bill, referring to any combination of metal alloys, does NOT affect the composite wood bat which is all wood! Here is a quote from Akadema: "Akadema's new composite maple bat fits 7 pieces of rock maple together to make the hardest wood on the market even more durable.....the Amish-crafted Composite Maple lasts up to 6 times longer than the hardest maple bats."
- (4) No law should single out one program. If the legislature wants to outlaw metal bats, it should outlaw metal bats at all levels.
- (5) I am not opposed to use of wooden bats, but to be fair to all programs, this law should not take affect until 2006 as to allow all programs to be able to make the proper adjustments.
- (6) I am very sympathetic with the Patch family, afterall, Brandon Patch played for me in Miles City in 2002 and I knew him well, but I do believe that this somewhat of an over-reaction, which I can understand. The state of Montana will not become an innovative leader if this law is passed.



GLACIER TWINS
American Legion Baseball, Inc.
P.O. Box 2007
Whitefish, Montana 59937

February 15, 2005

To Whom It May Concern,

The Glacier Twins American Legion Baseball organization based in Whitefish, Montana strongly opposes HJ Res. No. 19 and House Bill No. 588, a bill cited as "The Brandon Patch Baseball Player Protection Act." While we certainly sympathize and grieve with the deceased player's family, we do not feel that banning non-wood bats will in any way prevent further injuries or deaths.

This proposed legislation, introduced by Gary Matthews, HD 40 in Miles City, is written with many inconsistencies and untruths and discriminates against American Legion Baseball teams in Montana. Whereas the Department of Montana American Legion Baseball organization not only regulates Montana Legion teams, it also has jurisdiction over teams from Idaho and Alberta, Canada. How can the State of Montana's American Legion baseball organization therefore lay this ban on all of these teams?

Now, as to the inconsistencies and untruths in the wording of the House Joint Resolution No. 19:

The resolution states that 17 players have been killed by batted baseballs from bats determined to be non-wood during a 10-year period. The truth is, yes, 17 deaths have been reported as being due to impact with a batted ball between January 1991 and January 2001, but only eight (8) of the seventeen were reported to have involved non-wood bats. Two (2) deaths occurred involving wood bats and in seven (7) cases involving batted-ball impact the type of bat is not known. These facts are acknowledged by the Secretary of the U.S. Consumer Product Safety Commission in Washington, D.C.

During this same period of time in teen-age and young adult amateur baseball, the use of non-wood bats far exceeded the use of wood bats. This is very important when conducting research on fatalities or injuries due to impact from batted balls. How can injury data be used (say, for example) from the use of 1000 wood bats and be compared with (again as an example) the use of 100,000 non-wood bats. You would have to use data from usage or testing of an equal number of wood bats and non-wood bats.

Additionally, data from the National Injury Surveillance System (NEISS), the National Collegiate Athletic Association (NCAA), and the U.S. Consumer Product Safety Commission, support the fact that injuries produced by balls batted with non-wood bats are no more severe than those involving wood bats. It's an

acknowledged fact that wood bats do break much easier and shatter, and shards from wood bats do fly toward players becoming projectiles that can cause serious injury to pitchers, drawn-in corner infielders, on-deck batters, as well as players in the dug-outs and spectators in the stands.

Current industry design standards for aluminum bats are now very stringent and have recently decreased bat barrel diameter and increased bat weight to comply with Bat Exit Speed Ratio (BESR) regulations. These regulations with the "minus 3" differential between bat length and bat weight and smaller barrel diameter ensure that aluminum or non-wood bats perform quite the same as quality wood bats. Studies in the 70's, 80's and early 90's did conclude that metal bats during that era outperformed wood bats. However, recent studies using currently available non-wood bats are not that definitive, but do show that center-of-mass (CM), moment-of-inertia (MOI), bat swing speed, bat weight, bat length, and bat efficiency (trampoline effect), etc., are all factors that influence batted ball exit speed. Therefore, that part of House Joint Resolution No. 19 and House Bill No. 588 that states that non-wood bats can propel or repel the baseball at velocities that exceed the velocities of baseballs off wood bats is not entirely accurate or true.

Economically, this Resolution/House Bill would have devastating effects on our program. Most of our players purchase and own their own personal aluminum bats. The Twins usually purchase several new aluminum bats each year for team use at a cost of \$500. Switching now to wood bats would require us to purchase somewhere between 200 and 250 bats to carry us through practice sessions, pre-season, regular season, and post-season play. A conservative estimate of costs for mid-quality wood bats for one season only would be around \$8,000. This sixteen (16) fold increase for bat costs would place a very heavy strain on our equipment budget and ultimately lead us to abandon or severely cut back our program.

The Twins have always placed the safety of our players first and always will. Please let us continue to play and enjoy the game of baseball in Montana. Banning non-wood bats will not make the game safer. Passage of this legislation will only have a negative effect. And since Montana does not offer high school baseball, laying this ban on American Legion Baseball is truly discriminatory. Vote NO on HB588 and HJ RES 19.

Respectfully submitted,
Glacier Twins Board of Directors



Rita K. Hanson, Secretary



LEWIS AND CLARK POST No. 2

American Legion Baseball



CHARLES STÖHL
Treasurer

LEE CLOWINGER
Chairman

JOE UNDERKOFER
Manager

1218 - 9th Avenue
Helena, Montana 59601
(406) 442-2589

February 10, 2005

George Hagele
Chairman of Montana American Legion Baseball

Subject: The Use of Wood Bats Proposed Legislation

Mr. Hagele

Thank you for the opportunity for Helena American Legion Baseball to send you comments on this proposed legislation. In doing so, I would like to add a broader perspective to the situation that has prompted the Montana State Legislature to consider such legislation. In adding this perspective, I want to say that in no way do I wish to diminish the loss to the Patch family or the trauma to the teams, coaches and fans present when this tragic event occurred. It was truly difficult on all involved. I was present myself as were my wife and two boys and we all still feel the loss of Brandon Patch.

I would now like to proceed to give what I feel is a complete background and description of the factors that led up to the events of that night. I will then elaborate on each of these factors and how I feel they contributed to this tragedy. The factors are the game situation, the plate umpire, the batter, the pitcher and the pitch itself.

The Game situation was as follows. It was the bottom of the fifth. The game was tied. There was one out and nobody on base. Being a conference game, it mattered to both teams. At this point in the game both teams were aware of the strike zone, the ability of the pitchers and what each player needed to do to get the win. The batters had all faced the pitchers at least once. When the batter that hit the ball was up there were no runners on base. If there had been a runner at first or second base, the batter would have tried to hit to right field behind the runner. Had the runner been on third he might have hit a long fly to score the run. A hit to right or a fly ball would have not gone anywhere near the mound or the pitcher. With no runner on base, the batter simply wanted to hit the ball and get on base.

The umpire had been consistent. For four and one half innings he had been calling the outside corner plus about 4-6 inches. This corner for a right handed hitter would be the opposite side of the plate and out of the power zone of most hitters. Pitchers and catchers especially pick up on where the umpire is calling

strikes and try to put the ball where the umpire is calling them strikes and the batter is less likely to hit it well.

The Pitcher, Brandon Patch, was doing an excellent job of hitting that outside corner. He was a left handed pitcher, so for him the outside corner was on his throwing side. He had good control and was not giving up many hits to the Helena hitters. Pitchers generally try to throw so the ball crosses the plate from their throwing side to the opposite side. This is an advantage for a pitcher as the ball goes away from a same sided batter (i.e. right handed pitcher and right handed batter). It also crosses the plate on an angle and is harder to hit. As a left handed pitcher, his ball would actually move into a right handed batter. This is important as it would be easier for a batter to hit an outside pitch that is moving toward him rather than one that was moving away.

The batter was a tall power hitter. He is hitting in the fourth spot generally reserved for a good hitter. He was also a pull hitter meaning he would tend to hit or "pull" the ball to the left side of the field as a right handed hitter. Generally a pull hitter will hit an outside pitch to the middle of the field. If he hit it well it would tend to be a line drive. If he did not hit it well, it would be a ground ball or a weak fly ball. The batter was also an accomplished pitcher and could read pitches well. He also was an experienced ball player that knew how to hit the variety of pitches that might be thrown in different locations.

The pitch was a low and outside strike. The count was one ball one strike. It was exactly what the situation called for. Had it been an inside strike, the hitter would have pulled it down the left field line. Had it been down the center, he would have hit a ball to left center being a pull hitter. Since the pitch came from a left hander, it came into the batter not away from him and made it easier for the batter to pull the ball and not try to hit the ball to right field. It was far enough outside that a pull hitter could at best only hit up the middle.

This information all fits together as follows. The umpire calling off the outside corner of the plate indirectly decided the location of the pitch. The attempt was to throw to that spot with the thought that the batter might not swing and get a called strike. If he did, he would most likely not get good contact and hit a ball that could be easily fielded. The pitch, since it was from a left hander, headed into the plate and the batter as opposed to tailing away. This batter was tall with long arms and could swing at such a pitch with good success. A hit was needed at this point in the game. The bat made solid contact with the pitch producing a hard hit line drive. Since it was a low outside pitch, the ball did not have height and could not be pulled to left but rather at best go to center. Finally the ball's trajectory, the pitcher's height and his location on the mound after pitching all had to be right for him to be struck the way he was.

In summary, so many factors contributed to the tragic event that one cannot isolate any one factor as the cause. It truly was an event that took hundreds of

factors to be in place to happen. This does not lessen the tragedy or the pain, but it does show this to be an isolated event not something linked to a common cause. If you put all the factors together and replace the bat with wood, the outcome would still be a tragic hit to the head and resulting consequences. Articles I have read indicate that the speed might have been reduced by 10 to 15 miles an hour with a wood bat. If that is true, a 70 mph or even 60 mph ball off a wood bat would most likely have had the same effect.

The American Legion has required a certified bat. The BESR certification ensures a bat meets four criteria:

1. The maximum exit speed is similar to the performance of the best Northern White Ash wood bat
2. The bat's length to weight differential is no greater than minus-3 (for instance a 34 inch bat must weigh 31 ounces)
3. The barrel diameter may not exceed a maximum of 2 5/8 inches - bats in the past were 2 3/4 inches
4. The balance point of the bat meets the moment-of-inertia requirement.

It is the same as the NCAA has required for play since 1999. This action shows the commitment of the American Legion Baseball Program to provide a safe environment for its players. There are many other safety factors considered in each game played so as to protect our players. The American Legion monitors these safety issues and assures as safe an environment as possible. Baseball is not immune to injury nor is any other sport. I believe we do protect our players and that this legislation is unnecessary and will in the end restrict those wishing to play the game.


Joe Underkofler
Manager
Helena American Legion Baseball



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