
CIVIL RIGHTS DEVELOPMENTS IN VERMONT, 1980

February 1981

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--A clearinghouse report of the Vermont Advisory Committee to the U.S. Commission on Civil Rights, published for the information of the Commission and the people of Vermont. The contents of this report should be attributed to the Vermont Advisory Committee rather than to the Commission.

UNITED STATES COMMISSION ON CIVIL RIGHTS

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Dear Friend:

The U.S. Commission on Civil Rights was established by Congress in 1957 as an independent, bipartisan factfinding agency to investigate complaints, study legal developments and appraise Federal laws and policies with respect to discrimination, and serve as a national civil rights clearinghouse. In turn, State Advisory Committees were formed to assist the Commission in these responsibilities.

Over the past year the Vermont Advisory Committee has been monitoring civil rights developments in our State as well as providing the U.S. Commission on Civil Rights with specific information within the agency's jurisdiction. That jurisdiction now includes discrimination because of race, religion, national origin, sex, age, and handicap.

As an outgrowth of our monitoring efforts, we have prepared this brief report on civil rights developments in Vermont 1980. It does not claim to be a comprehensive statement, but we do believe it can serve as a bench-mark, identify problems and progress, add to our understanding of the status of protected groups, and help refine our concept of civil rights.

We have also included a short statement on the activities of the Vermont Advisory Committee. If you would like to recommend ways in which we or the Commission might improve our work, please write to us at the above address. Certainly, the work ahead for all of us will be great.

We hope that you will find this review useful. Additional copies are available from the New England Regional Office as are the other publications of our Advisory Committee and the Commission.

Sincerely,



PHILIP H. HOFF
Chairperson
Vermont Advisory Committee

CIVIL RIGHTS DEVELOPMENTS IN VERMONT, 1980

Introduction

To most Americans, the phrase "civil rights" brings to mind the quest of black Americans for freedom and equality: images of lunch counter sit-ins, freedom rides, and the National Guard escorting black children during the desegregation struggles of the 1950's and 1960's. We recall the reaction to the quest for civil rights in threats, violence, bombings, and murders.

The Nation then entered a period of legislative and judicial activity; increasing concern with de facto as well as de jure school segregation; growing emphasis on housing and employment discrimination; and a broader definition of "protected" groups. Most of us recognized that discrimination was being experienced by other racial groups including Asians and Native Americans; by groups identified by national origin, especially Hispanics; by religious groups; and by women, the elderly, and the handicapped.

Efforts were made on the local, State, and national levels to address these problems, with varying degrees of effectiveness. Even with growing resistance in the 1970's, there was progress.

However, 1980 has seen a resurgence of the Ku Klux Klan and other hate groups, an attempted assassination of a major black leader, urban riots, and political attacks on programs that blacks and other minorities regard

as crucial to their hopes. The year ended with black Americans not only fearful that the political tide had turned against them, but with the evidence of race-motivated murders in a number of cities.

The U.S. Commission on Civil Rights believes that the 1980's will be a critical period for civil rights. In a year-end report to the President and Congress, the Commission observed that hate group activity, racially motivated violence, and the rising number of civil disorders all have contributed to "an atmosphere that impedes civil rights progress."

The Commission called for a strong, well-coordinated Federal response, led by the Attorney General or another designated official, to deter violence, and it urged the President to appoint a senior White House advisor responsible for improving and directing the Federal civil rights effort.

The past year also saw a hardening of opposition to measures that actively seek to advance equality of opportunity not only for racial minorities, but for women, the handicapped, and the elderly. In response, the Commission urged Congress to support the strengthening of fair housing legislation, and to provide the Equal Employment Opportunity Commission and the Office of Federal Contract Compliance Programs with the resources to combat job discrimination. The Commission reaffirmed its support for the Equal Rights Amendment and affirmative action, and recommended changes in Federal law to prosecute police officers who violate the civil rights of those they are charged to protect.

While many of these matters may seem removed from the events of daily life in Vermont, they nonetheless involve us as Americans concerned about our fellow Americans, whatever their background or State of residence.

The brief report that follows paints a somewhat less bleak picture for our State. We have transmitted this information to the U.S. Commission on Civil Rights as its Vermont Advisory Committee, and now are pleased to share it with you.

Preliminary figures from the 1980 Census establish Vermont's population at 511,297. This represents an increase of 15 percent over the 1970 Census. There are currently no figures available from the 1980 Census on the numbers of minority group members -- blacks, Hispanics, Asians or Native Americans -- residing in Vermont. The 1970 Census reported that four tenths of one percent of Vermont's population was black, Asian, Hispanic, or Native American. According to these figures, Vermont had 761 blacks, 360 Asians, and 427 "others," presumably Hispanics. While the 1970 Census reported 229 Native Americans in Vermont, a 1975 survey by the Boston Indian Council found 1,700 Native Americans in the State, 80 percent of them Abenakis.

In 1979 51.6 percent of Vermont's population was female and women composed 42.5 percent of Vermont's workforce.

By far, Vermont's largest ethnic group is Franco-Americans. The 1970 Census found that almost 10 percent of the population was raised in homes where French was spoken, and other studies reveal that about 20 percent of the State's residents have French surnames.

There are about 77,000 persons over 60 years of age in Vermont.

Legislative Activity

In its 1980 session, the Vermont Legislature passed domestic violence legislation permitting victims to obtain ex parte restraining orders and to obtain criminal enforcement of those orders. The law became effective July 1, 1980. The Coalition Against Domestic Violence, the group which sought enactment of this law, is now monitoring its implementation.

A companion measure to the domestic violence law sets guidelines for the reporting of abuse of the elderly to the State Health Department.

A bill that would have prohibited age and handicap discrimination in employment died in the senate after it had been passed by the house and

by unanimous vote of the General Affairs Committee of the senate. The measure would have applied to both public and private employers. Some members of the house were apparently unaware that the bill applied not only to the hiring process but also would have eliminated forced retirement at a certain age. (The year prior, the legislature had raised the mandatory retirement age for State government employees from 65 to 70.) Questions arising from this confusion, including concern about the proposal's impact on retirement plans and college tenure, were cited as one source of State senate resistance. Some observers suggested that the bill's defeat had nothing to do with its merits. Anti-discrimination legislation of this type was first proposed in Vermont three years ago.

The legislature also was involved in extended debate over how juvenile offenders should be handled by Vermont's courts. A bill passed by the house early in the session, and backed by numerous law enforcement and court officials, called for elimination of the distinction between "juveniles" (age 12-16) and "minors" (age 16-18). This would have brought those 16 to 18 years of age under the jurisdiction of juvenile courts in most instances; the exceptions would have involved "heinous" crimes, for which even those 12 to 16 might be prosecuted as adults. The State's juvenile defender said that Vermont and Nebraska are the only States without this form of juvenile jurisdiction. The bill also would have mandated separate incarceration of juveniles and adults. After the bill passed the house, a number of county prosecutors went on record opposing it because the juvenile courts have far weaker sanctions than the regular courts. Police officers also voiced opposition in the belief that the bill would preclude arrest of those 16 to 18. The measure failed when three different conference committees were unable to resolve the differences between the two houses.

Agency Activity

The Civil Rights Division of the Vermont Attorney General's Office receives and investigates complaints of employment discrimination. In 1980, 126 complaints were filed and 90 percent of those were charges of sex discrimination. The other 10 percent were complaints of race or

religious discrimination. While there is no comprehensive State law prohibiting employment discrimination based on age or handicap, the Civil Rights Division received about 100 inquiries from people who thought they were victims of such discrimination. These callers were referred to Federal agencies which handle these cases.

On paper, Vermont has a Human Rights Commission with the authority to handle complaints of housing discrimination and discrimination in public accommodations. However, the Commission receives no funding, has no staff, and has no office, and, thus, cannot effectively handle these discrimination complaints.

During 1980, the Governor's Commission on the Status of Women produced three new publications on the subjects of employment discrimination, wills and probate, and building self-confidence. The Commission filled 700 requests for information. The Commission also continued its Women and Law Education Project. This service, provided in conjunction with the Women's Section of the Vermont Bar Association and the American Association of University Women, supplies speakers to address women's groups on legal issues. The Commission also developed a talent bank for women who would like to serve on State boards and commissions. Names will be sent to the Governor to assist him in finding qualified women for such appointments.

Women are underrepresented in many of the higher paying jobs in Vermont's State government. The executive director of the Governor's Commission on the Status of Women observed that the State is not meeting its obligation to be a model for private industry in fair hiring practices.

Stepped-up activity to combat sex discrimination in employment is evident across the State. Many college faculty members and applicants for positions with local police departments have filed charges of discrimination, and even the State of Vermont has come under attack.

The Vermont Commission on the Administration of Justice allocated

Federal Law Enforcement Assistance Administration (LEAA) funds to the Governor's Commission on the Status of Women to train professionals in the health, justice, and social service fields in appropriate ways of assisting victims of domestic violence. These two-day training sessions were held in 10 communities throughout Vermont.

Both the Coalition Against Domestic Violence and the Governor's Commission on the Status of Women are working to develop services for battered women and their families. The one shelter in the State, the Brattleboro Women's Crisis Center, closed in December 1980 for lack of sufficient funds when its Federal funding came to an end. A shelter planned for Rutland has not yet opened.

The Vermont Office on Aging provides many kinds of social services to Vermont's elderly population. In 1980, the Office on Aging initiated a monthly newspaper addressing issues of concern to the aged. Fifteen thousand copies of the newspaper are distributed monthly through the State's 75 senior centers and 82 sites where meals are provided to senior citizens. The Office on Aging also produces five radio and two television programs every week for the elderly.

On November 19, 1980, about 300 delegates gathered in Fairlee for the Vermont State Conference on Aging, a preliminary to the White House Conference on Aging. The conference participants are preparing a report on the needs of the aged which will be distributed to State officials and will be sent to Washington for the 1981 White House Conference.

In May, the Commissioner of the Vermont Department of Personnel sent a memorandum to all State offices emphasizing that not only is racial and sexual discrimination illegal, but harassment is illegal as well. The action followed the bringing of informal complaints to the department and issuing of interim guidelines on sexual harassment by the U.S. Equal Employment Opportunity Commission. The memo referred specifically to cases of racial harassment at a corrections facility and the transportation agency.

During the summer, the State Department of Education notified local school superintendents and special education coordinators that they were to follow Federal rather than State guidelines to identify and assess children who might need special education. Vermont's guidelines do not require comprehensive assessment and subsequent classification of a child into one of the 11 categories of handicap defined in the Federal special education law. The department's action followed investigations by the U.S. Department of Education's Office for Civil Rights and the Vermont Legislative Committee on Administrative Rules. These investigations were urged by the Vermont Association for Learning Disabilities, which claimed to have documented 130 cases of misclassification of children with learning disabilities. The State Department of Education estimates that between 2,000 and 3,000 children will be diagnosed as a result of the action.

Vermont has been the hardest hit of the New England States by the decision of the U.S. Department of Education's Office of Bilingual Education and Minority Languages not to fund several French bilingual programs. Of the six French bilingual programs that the Office of Bilingual Education declined to fund, four are in Vermont.

Political Participation

Vermont's female Lieutenant Governor, Madeleine Kunin, was reelected in the November election. Also in that election, 35 women were elected to serve in the 150-seat house of representatives, and four of the 30 State senators elected were women. The Governor's Commission on the Status of Women noted that if the number of women in the legislature were to increase every election by the rate it increased this time, it would to 26 years for women to reach an equal proportion to men in the house and 22 years in the senate. The Commission points out that between 1969 and 1979 there was no increase at all in the percentage of women in the legislature.

Women are also underrepresented in municipal government positions. According to a study conducted in 1979 by the Governor's Commission on the Status of Women, no women serve as mayors of Vermont cities. Only

seven percent of the town managers, selectman, aldermen, trustees, or councilmen in Vermont's municipalities are women.

A survey was conducted by United Cerebral Palsy of Vermont, Inc., to determine whether town meeting sites and polling places are accessible to physically handicapped people. The study revealed that almost 70 percent of Vermont's 246 cities and towns have either a town meeting location or a polling place which is not accessible to the physically handicapped. Many handicapped or elderly people are unable to attend town meetings or vote in the polling place because they have difficulty or find it impossible to get into those places.

State Advisory Committee Activity

As a followup to its report, Closing the Ethnic Gap, the Vermont State Advisory Committee circulated a questionnaire to the State's 13 teacher training institutions to determine the extent and effectiveness of their curricula in preparing teachers to present a nonsexist, multi-cultural viewpoint in the classroom. The Committee believes the schools have a special burden to overcome the problem of the lack of contact with non-whites. A report of the findings of this study is being written by the Advisory Committee.

The State Advisory Committee's Franco-American subcommittee is compiling data on the employment and educational status of Franco-Americans for a report containing this data and a history of Franco Americans in the State. At present, no comprehensive statistical information is available on the status of Franco-Americans in Vermont.

The Advisory Committee co-sponsored a conference which examined the role of French culture in northeastern North America. The event was held in October at Saint Michael's College in Winooski. It highlighted the fact that Franco-Americans are Vermont's largest cultural ethnic group and they are struggling to establish their identity and to make the public aware of their contribution to society.

Of growing concern in Vermont, and a likely subject for Advisory Committee study in the coming year, is the issue of sexual harassment in the workplace. The Advisory Committee will also monitor the problem of domestic violence -- spousal and child abuse.

In order to carry out its mandate more effectively, the Advisory Committee will attempt to identify all private and public organizations and agencies concerned with civil rights-related issues, establish communications with them, and coordinate activity.

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--The U.S. Commission on Civil Rights is an independent factfinding agency which investigates issues related to discrimination or denial of equal protection of the laws because of race, color, national origin, religion, sex, handicap and age. The Vermont Advisory Committee is one of 51 such bodies composed of private citizens who advise the Commission on civil rights developments in their States.