

CIVIL RIGHTS IN MONTANA: 1982
September 1982

This statement by the Montana Advisory Committee is prepared for the information and consideration of the U.S. Commission on Civil Rights which, after review, will make public its reaction. In the meantime, conclusions of the statement should not be attributed to the Commission but only to the Montana Advisory Committee.

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- . Investigate complaints alleging that citizens are being deprived of their right to vote by reason of their race, color, religion, sex, age, handicap, or national origin, or by reason of fraudulent practices;
- . Study and collect information concerning legal developments constituting discrimination or a denial of equal protection of the laws under the Constitution because of race, color, religion, sex, age, handicap, or national origin, or in the administration of justice;
- . Appraise Federal laws and policies with respect to discrimination or denial of equal protection of the laws because of race, color, religion, sex, age, handicap, or national origin, or in the administration of justice;
- . Serve as a national clearinghouse for information in respect to discrimination or denial of equal protection of the laws because of race, color, religion, sex, age handicap, or national origin;
- . Submit reports, findings, and recommendations to the President and Congress.

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INTRODUCTION

The Montana Advisory Committee to the U.S. Commission on Civil Rights, in order to fulfill its mandate to assess the situation of women, minorities and the handicapped, has undertaken to determine how these segments of the population are faring currently in the State. This statement has been developed from an analysis of data provided by State and Federal agencies and interviews with persons in Montana who are knowledgeable about the various aspects of civil rights conditions.

The purposes of this statement are to provide an overview of current conditions for women, minorities, and handicapped in the State; to indicate areas of success and progress in civil rights; to find those facets of civil rights which have not been successfully addressed; and to inform Montana legislators and citizens about these findings.

Many persons, including policy makers, have the perception that great progress has been made by minorities, women, and the handicapped. The data presented here indicate while some aspects of civil rights have improved, in general, minorities, women, and the handicapped are less well off socially and economically today than they were a few years ago. The Montana Advisory Committee will use

these data as a basis for determining what civil rights issues it will investigate in the immediate future. It is also hoped that policy makers and the public in Montana will use this information for future comparisons and as an aid in making decisions about civil rights programs, strategies, and funding.

MINORITIES IN MONTANA

Economic indicators have traditionally been considered the best gauge of a person's or a group's well-being.

Available information from the Employment Services Division of Montana is subdivided only into white and non-white categories; and therefore, it is impossible to report specific unemployment rates by racial group. Unemployment data for Montana indicate that minorities have consistently and by an increasingly larger margin exhibited a higher unemployment rate than whites.¹ According to Montana Commission on Human Rights statistics, the most common area of discrimination cases is employment, accounting for 79.7 of cases.²

In 1977 the State's unemployed totaled 22,000 (rounded to the nearest 1,000) with a white unemployment rate of 6.3 percent (21,000), and a minority rate of 8.9 percent (1,000).³ In 1978 the unemployed still

¹ State of Montana, Division of Employment Security, Employment Status of the Civilian Labor Force for Montana, 1980.

² State of Montana, Commission for Human Rights, Sunset Review, 1977-1980, p. 10.

³ State of Montana, Division of Employment Security, Annual Estimates: 1977 Current Population Survey, Table XIV (C).

amounted to 22,000 people, but the gap between white and non-white unemployment had jumped.⁴ The white rate was 5.8 percent that year (20,000), and the minority rate 12.9 percent (2,000).⁵ The difference in rates continued in 1979 with whites unemployed at 4.7 percent rate (17,000) and non-whites a 14.7 percent rate (2,000).⁶ In 1980, the last year data are currently available, the difference between the minority unemployment rate and white unemployment was more than 15 percentage points. Whites were out of work at a 5.4 percent rate (19,300 persons) in 1980, while minority unemployment was 20.7 percent (3,000 persons).⁷

This growing disparity in the number of minority and white unemployment indicates that minorities are not progressing in the area of employment in Montana. Indeed, their economic position is actually eroded.

FOOD SUPPLEMENT PROGRAM

An examination of Montana's food supplement program reveals that minority group members have been over-represented among the recipients of such aid. Figures for April 1979 indicate that Native Americans accounted for 22 percent of all those receiving food assistance in Montana

⁴ State of Montana, Division of Employment Security, Annual Estimates: 1978 Current Population Survey, Chart XIV (B).

⁵ Ibid.

⁶ State of Montana, Division of Employment Security, Annual Estimates: 1979 Current Population Survey, Table XIV (A).

⁷ State of Montana, Division of Employment Security, Employment Status of the Civilian Labor Force for Montana by Age, Race, and Sex: 1980 Annual Averages, Table II.

(7,448 Native Americans of a total of 33,803 recipients).⁸ Hispanics equaled 1.8 percent (616 persons), blacks .3 percent of recipients (108), and Asians totalled 1 percent of recipients (373).⁹

Statistics for food-supplement programs show a dramatic decline in April 1981 in the total number receiving aid (33,803 to 18,066).¹⁰ Native Americans receiving food assistance declined in 1981 to 3,314 or 18 percent of all recipients. Hispanics accounted for 268 or 1.4 percent of those receiving aid (268). Black and Asian recipients totalled 184 and 174, one percent each. Total minority participation in the food supplement program was 21.4 percent as of April 1981 versus 25.1 percent two years earlier.¹¹ Some decline in minority enrollment in food programs is evidenced by these figures, yet since minorities total less than 7 percent of the State's population they remain considerably over-represented in food programs.¹²

⁸ State of Montana, Department of Social and Rehabilitative Services, FNS 101 Report, April 1979.

⁹ Ibid.

¹⁰ State of Montana, Department of Social and Rehabilitative Services, FNS 101 Report, April 1981.

¹¹ Ibid.

¹² U.S., Department of Commerce, Bureau of the Census, Montana General Population Characteristics, 1980 (hereafter cited as 1980 Population Characteristics).

EDUCATION

As the major route to social and economic advancement in American society, it is imperative that equal opportunity in education be maintained throughout the Nation. Among others, the Office for Civil Rights (OCR) of the U.S. Department of Education monitors the status of females, minorities, and handicapped persons in American schools.

The largest minority group in Montana is Native American, 4.7 percent of the State's population. In the fall of 1978 there were 10,954 Native American children in attendance in Montana's elementary and secondary schools. Native Americans at that time accounted for 7 percent of all school children in the State and the total minority enrollment was 13,559. There were 141,443 public school students, minority enrollment for the State being 9.5 percent.¹³

By 1980 there were 13,943 Native American school children (9.8 percent of all students), and 1,686 Hispanics (1.2 percent of the total enrollment).¹⁴ In 1978, Hispanic students numbered 1,440 (1 percent of the school population).¹⁵ Total enrollment for the State's schools climbed relatively little between 1978 and 1980, with the 1980 figure at 142,913 pupils.¹⁶ Total minority enrollment was 17,278 or 12 percent of all enrollment, representing a 25 percent in-

¹³Ibid.

¹⁴U.S., Department of Education, Office for Civil Rights, 1980 Elementary and Secondary Schools Civil Rights Survey, p. A53 (hereafter cited as 1980 Survey).

¹⁵Fall 1978 Survey.

¹⁶ 1980 Survey.

crease in minority enrollment between 1978 and 1980.¹⁷

While minority enrollment throughout Montana increased, the most recent Office for Civil Rights survey (1980) found some potential civil rights problems in larger school systems of the State. The Billings Elementary School District Number 2 was seen to have a disproportionate amount of discipline administered to minority pupils, minority segregation in classrooms, and disproportionate placement of minorities in special education programs.¹⁸

Great Falls High School District 1 A also exhibited minority segregation in classrooms and disproportionate discipline of minorities. Both the Billings Elementary District Number 2 and the Great Falls High School District were cited for possible sexual segregation in some of their programs.¹⁹

The proportion of disciplinary actions directed against minority students has been measured by OCR as an indication of possible discrimination in the schools. Data on suspensions, expulsions, and use of corporal punishment have been gathered. In the 1976 survey corporal punishment was not included. It showed that 384 or 12 percent of the 3,180 suspensions and expulsions in Montana schools involved

¹⁷Fall 1978 Survey; 1980 Survey.

¹⁸U.S., Department of Education, Office for Civil Rights, 1980 Elementary and Secondary Schools Civil Rights Survey, pp. 7, 20, and 21.

¹⁹Ibid.

minority children.²⁰ In 1978 minorities accounted for 556 of a total of 3,961 disciplinary actions or 14 percent of all disciplinary actions, indicating that minority children were slightly over-represented in the population of disciplined students.²¹ In 1980, 482 minority children were disciplined accounting for 13.8 percent of the 3,490 disciplinary actions.²²

Native American students are particularly over-represented in instances of corporal punishment. In 1978, 145 of the total of 1,205 instances of corporal punishment were meted out to Native American children, 12 percent of the total of such punishments when Native Americans totaled 7 percent of the school population.²³ In 1980 there were fewer instances of corporal punishment in Montana (373), but Native Americans experienced a larger share of the total (60 or 16.1 percent).²⁴

Another of the measures of school integration developed by OCR is the extent to which minority children are concentrated in particular schools. In the 1978 survey 12 schools of the 348

²⁰U.S., Department of Education, Office for Civil Rights, 1976 Elementary and Secondary Schools Civil Rights Survey, National and State Summaries of Pupils Suspended or Expelled, Table VI.

²¹Fall 1978 Survey, p. 5; Disciplinary Actions by Race, Ethnicity and Sex, p. 9.

²²1980 Survey, p. 1.

²³Fall 1978 Survey, p. 5.

²⁴1980 Survey, p. 1.

surveyed had greater than 90 percent minority students.²⁵

The 1980 survey found minority segregation in the schools of six school districts of the State.²⁶

Although minority children attend school in great numbers a smaller percentage of them finish school than non-minority children. This lack of completion of schooling is certain to pose a barrier for minorities when they seek employment. The results of this is decreased opportunity for social and economic mobility.

Of the graduates from Montana elementary and secondary schools in 1978, only 5 percent were minority children, 510 out of 9,463 graduates.²⁷ Native Americans, while seven percent of all students, totalled only four percent of the graduates.²⁸ Hispanic children accounted for 1 percent of graduates and yet were only .2 percent of all students.²⁹

By 1980 Native Americans totalled 361 graduates or 5.6 percent of the total of 6,483 graduates.³⁰ Though the percentage of Native Americans graduating increased, proportionately fewer were graduating in 1980 since at that time Native Americans totalled 9.8 percent of all students in the State's public education system.³¹ Under-representation equalled 4.2 percent in 1980 compared with 3 percent in 1978.³²

²⁵Fall 1978 Survey, p. 9.

²⁶1980 Survey, p. 1.

²⁷Fall 1978 Survey, p. 5.

²⁸Ibid.

²⁹Ibid.

³⁰1980 Survey, p. 1.

³¹1980 Survey, p. B53.

³²Fall 1978 Survey, pp. 5-8; 1980 Survey, p.A53.

The 1980 OCR survey included a list of potential civil rights problems in the State's schools and the number of districts in the State that had potential problems. The most widespread civil rights problems in the State, according to that report in order of frequency were: minority segregation in classrooms (8 districts); disproportionate placement by race in special education classes in eight of the 46 State's districts; and minority segregation among schools in six districts.³³

Data for the 1976 school year show that 4.6 percent (544) of those attending college in Montana were Native Americans, 3 percent were black (34), .3 percent Hispanic (40), and .3 percent Asian (41).³⁴ But, by 1978 these percentages had declined. Only 3 percent of college students were Native American, .3 percent were black, .4 percent were Hispanic and .2 percent were Asian.³⁵

Of those graduating with bachelor's degrees from Montana's colleges in 1979 only 1.3 percent were Native Americans, .2 percent were Hispanic, .1 percent black, and .4 percent Asian.³⁶ And of the masters degrees conferred that year none went to Native Americans, blacks, or any other minority.³⁷

³³1980 Survey, p. 2.

³⁴Fall 1978 Survey; Table 14, p. 266.

³⁵Ibid.

³⁶1980 Survey, Table II, p. 2120.

³⁷1980 Survey, Table 17, p. 2140.

These data indicate a continuation in Montana of what has been called the "vicious circle." That is to say, those in poverty do not receive the education needed for better jobs and therefore remain trapped at the lower end of the economic and social ladder.³⁸ The information indicates that in the last few years minorities have sunk more deeply into the economic hole, not just in absolute terms but also relative to the conditions of whites in the State. In 1982 fewer minorities than in 1976 are gaining the education needed to break the vicious circle.

WOMEN IN MONTANA

In 1970 women totaled 347,404 or slightly more than 50 percent of Montana's population.³⁹ In the 1980 census women equalled 50 percent (394,064) of the State's 786,690 citizens.⁴⁰ A 1978 survey of women in Montana conducted by the Women's Bureau of the Montana Department of Labor and Industry found that of the State's 393,285 women, 252,882 were over 18 (the racial distribution was 95 percent white and about 5 percent minority)⁴¹ and that nearly half of these

³⁸Robert K. Merton and Robert Nisbet, Contemporary Social Problems (New York: Harcourt Brace Javanovich, Inc., 1965), pp. 5-20.

³⁹U.S., Department of Commerce, Bureau of the Census, General Population Characteristics in Montana: 1970.

⁴⁰1980 Population Characteristics.

⁴¹Ibid., p. 7.

adult women were employed outside of the home.⁴² About two-thirds of these working women were employed full-time.⁴³

In response to a polling of some 2,000 women the Women's Bureau found that working women rated sexual discrimination as a prevalent problem they encountered on the job, with 12.4 percent of respondents citing it as a problem.⁴⁴ Sexual harassment on the job was mentioned by an additional 4 percent of those polled.⁴⁵ The Montana Human Rights Commission (which has enforcement jurisdiction in employment discrimination) complaint data show that 45 percent of the cases filed are based on sexual discrimination with many of these involving employment.⁴⁶

In its reporting on battered women, the Women's Bureau found that approximately 1 percent of the respondents said they were currently being beaten by their spouse and another 5.5 percent reported that they had been beaten at some time in the past.⁴⁷ The research report states; "Battered women constitute a sizable group within our population. Furthermore, it is suggested by the data that this type of violence is on the increase."⁴⁸

⁴²State of Montana, Department of Labor and Industry, Women's Bureau, Montana Women and Work: A Survey of Needs and Attitudes, 1980, p. 5 (hereafter cited as Women and Work).

⁴³Ibid.

⁴⁴Ibid., p. 11.

⁴⁵Ibid.

⁴⁶State of Montana, Commission for Human Rights, Sunset Review, 1977-1980, p. 11.

⁴⁷Women and Work, p. 37.

⁴⁸Ibid., p. 37.

In 1979 the Montana Legislature set aside part of the fee for obtaining a marriage license for funding domestic violence programs. The Department of Social and Rehabilitative Services is presently allocating money to locally based domestic violence programs. In 1980 the State Department dispersed \$72,000 in grants, and in 1981 another \$72,000.⁴⁹ Sixteen organizations around the State were granted monies in fiscal year 1981-82. Funds were spent on providing shelters for battered women, counseling, referral services, transportation, telephone assistance and educational programs.⁵⁰

In 1979 the legislature also passed an act requiring the Department of Social and Rehabilitative Services to gather and analyze data on domestic violence and spousal abuse over a four year period.⁵¹ The legislature has also considered other pieces of legislation seeking to alleviate the problems of battered women. In 1981 it considered an act which, if passed, would have provided preliminary injunctions and temporary restraining orders in order to protect a person from such abuse.⁵²

About 5 percent of Montana's women are termed by the Women's Bureau report as "displaced homemakers," women thrust suddenly and unexpectedly into the job market because of the death of a spouse or dissolution of a marriage.

⁴⁹ Montana Sessions Laws, 1979, Chapter No. 677, HB 868.

⁵⁰ State of Montana, Department of Social and Rehabilitative Services, data provided RMRO staff, August 1982.

⁵¹ Montana Sessions Laws 1979, Chapter 499, HB 621..

⁵² Montana Sessions Laws, 1981, HB 405.

These women are seen as particularly disadvantaged because many lack job skills. The report estimated a total of 12,600 displaced homemakers in the State.⁵³

Data from the Employment Security Division of Montana indicate that females have consistently had a higher unemployment rate than males. As of 1980 women totaled 40 percent (147,300) of the State's workforce of 359,500.⁵⁴ The female unemployment rate that year was 6.5 percent versus a male rate of 5.6 percent.⁵⁵ In 1979 unemployment among women was 6.6 percent, while among men it was four percent.⁵⁶ For 1978 women were out of work at a 7.3 percent rate while 5.3 percent of men were unemployed.⁵⁷ In 1977 the female unemployment rate was 8.5 percent while the male rate was 5.1 percent.⁵⁸

Montana is currently experiencing very high rates of unemployment. If trends found in other parts of the United States hold true for Montana, female unemployment could surge considerably higher than the rate for males.

There are other indications that the economic status of Montana's women is declining. Examination of Montana's Aid to Families With Dependent Children (AFDC) program shows that the percentage of female recipients of this aid

⁵³Women and Work, p. 27.

⁵⁴State of Montana, Division of Employment Security, Employment Status of Civilian Labor Force, Table II.

⁵⁵Ibid.

⁵⁶State of Montana, Division of Employment Security, Annual Estimates 1978 Current Population Survey, Table XIV A.

⁵⁷State of Montana, Division of Employment Security, Annual Estimates 1978 Current Population Survey, Table XIV B.

⁵⁸State of Montana, Division of Employment Security, Annual Estimates 1977 Current Population Survey, Table XIV C.

is steadily climbing. In 1979 women constituted 84.7 percent of the AFDC recipients in the State (4,837 cases out of 5,708).⁵⁹ In 1980 women were 87.4 percent of the recipients, in 1981 they were 88.2 percent, and in May 1982 they constituted 92.5 percent or 4,839 of the program's 5,229 cases.⁶⁰

Publicly supported medical payments in the State also go primarily to women. In 1977 slightly over 62 percent of all those receiving such aid were women. Out of a State total of \$41,945,060 spent, females received \$26,929,709 in medical support in 1977 or about 64 percent of all monies allocated.⁶¹ The latest figures (1981) show that of the 48,609 recipients whose sex was known, 30,132 (61.9 percent) were women. In dollars, women received \$46,518,318, or 64 percent of all the money spent.⁶²

In 1981 Montana's Governor created the Women In Employment Advisory Council. This council has the stated purposes of evaluating employment needs and problems of women in the State, calling attention to critical employment problems of women, evaluating ways of curbing job discrim-

⁵⁹State of Montana, Department of Social and Rehabilitative Services, chart entitled "AFDC: 1979."

⁶⁰ Ibid.

⁶¹ State of Montana, Department of Social and Rehabilitative Services, Statistical Report on Medical Services, 1977.

⁶²State of Montana, Department of Social and Rehabilitative Services, Statistical Report on Medical Services, 1981.

ination, expanding employment opportunities for women, encouraging self-help activities, and proposing means of abating economic barriers faced by women.⁶³

Governor Schwinden has also instituted a re-establishment of the Inter-departmental Coordinating Committee for Women. This is a committee within the State government, the purpose of which is to ". . . identify policies and procedures in State government which directly or indirectly result in discrimination against women."⁶⁴ The Governor's statement re-establishing the Committee says that one of the factors prompting this action was the fact that ". . . the State's Equal Employment Opportunity report of 1980 graphically demonstrates that women continue to be heavily concentrated in lower-paying, non-management and non-policy making positions."⁶⁵

Educationally, women in Montana appear to be making some strides forward. The number of women enrolled in institutions of higher education increased 19 percent between 1978 and 1980, from 12,254 students in 1978 to 14,577 in 1980.⁶⁶ By comparison, male enrollment for the same period increased 11 percent.⁶⁷ In 1980 women equaled 49.9 percent of college graduates in the State, approximating their percent-

⁶³ State of Montana, Office of the Governor, Executive Order No. 17-81.

⁶⁴ State of Montana, Office of the Governor, Executive Order No. 21-81.

⁶⁵ Ibid.

⁶⁶ U.S., Department of Education, Office for Civil Rights, Comparisons of Full-Time and Part-Time Undergraduate Enrollment in Institutions of Higher Education by Race, Ethnicity, and Sex, 1978-1980, p. 272.

⁶⁷ Ibid.

age in the State's population.⁶⁸ Female enrollment in graduate schools in 1980 was closer in numbers to male enrollment. Women increased their numbers in graduate school 14.5 percent while men's enrollment rose 12.9 percent for the same two years.⁶⁹ Additionally, women did make headway in professional schools with an enrollment increase of 16.4 percent between 1978 and 1980, while male enrollment rose 7.1 percent.⁷⁰

DISABLED PERSONS IN MONTANA

Discrimination on the basis of handicap is the fourth most prevalent type of problem with which the Montana Human Rights Commission contends. Recent figures show that 11.7 percent of the Commission's cases load deals with discrimination against handicapped persons.⁷¹

The OCR 1980 survey of Montana's public schools found that 23 out of 46 districts have facilities inaccessible to pupils in wheelchairs.⁷² This was the most widespread problem the OCR survey found. Of Montana's 4,316 classrooms, approximately 3,201 were wheelchair-accessible.

⁶⁸ 1980 Survey, p. B53.

⁶⁹ U.S., Department of Education, Office for Civil Rights, Racial, Ethnic, and Sex Enrollment Data From Institutions of Higher Education, 1980, p. 281.

⁷⁰ U.S., Department of Education, Office for Civil Rights, printout of Tape 649406, 1980, p. 290.

⁷¹ Sunset Review, p. 11.

⁷² 1980 Survey, p. 2.

Sixty-five percent of the school buildings are accessible, 50 percent of school laboratories, and only 28 percent of toilet facilities.⁷³

In the area of special education a 1978 OCR survey indicated that 7,636 pupils needed special education and 7,537 were receiving it, thus meeting 99 percent of special education needs.⁷⁴ Assistance is given to children who are mentally retarded, emotionally disturbed, have learning disabilities, or are speech impaired.

It is difficult to assess conditions of Montana's disabled citizens for as one who works in provision of services to the handicapped notes, no Statewide studies have been done.⁷⁵ The only recent attempt to determine the needs and conditions of disabled persons in Montana was conducted in Yellowstone County (Billings) in 1979. This survey of the State's largest county was conducted by Rehabilitative Services Division (RSD) of the State's Department of Social and Rehabilitative Services.⁷⁶

The RSD survey found that 16 percent of homes in Montana contained one or more persons who were disabled or chronically ill.⁷⁷ Of this 16 percent, 27 percent reported that there were two people in the home who were disabled. Overall, 7 percent of the people contacted were disabled or

⁷³1978 Survey.

⁷⁴ Ibid.

⁷⁵Mr. Joe Angell, Program Manager, Montana Department of Social and Rehabilitative Services, Rehabilitative Services Division, letter to RMRO staff, July 13, 1982.

⁷⁶ State of Montana, Division of Rehabilitative Services, Incidence /Prevalence Disability Survey, July 5, 1979.

⁷⁷ Ibid., p. 3

had a chronic health condition. Seventy-three percent of these disabled were handicapped in terms of employment, with 41 percent so disabled they were not able to work at all.⁷⁸

The study found the following distribution among Montana's disabled: four percent visually handicapped; four percent hearing impaired; 34 percent orthopedic deformities (such as arthritis and rheumatism); two percent had lost a limb; nine percent mental, psychoneurotic or personality disorders; and 56 percent disabling conditions from causes such as cardiovascular disorders, malignancies, and respiratory disorders.⁷⁹

Of the handicapped surveyed, 19 percent were working full-time, 10 percent part-time, 30 percent were retired and 41 percent were not working. Of those not working, 60 percent wanted to work if they could. Fifty-six percent had or were still receiving financial or other assistance from a public agency. The study revealed, however, that many disabled had little or no knowledge of the services available to them.⁸⁰ Those interviewed were asked if they knew of the State's vocational rehabilitation program. Fifty-three percent did not, and another 17 percent had little knowledge of the program. In fact, 31 percent of the disabled persons contacted by the study asked the researchers to refer them to a vocational rehabilitation office so that they could find out more about the program.

⁷⁸ Ibid.

⁷⁹ Ibid.

⁸⁰ Ibid.

This single county research found that the disabled claimed to need the following services: 14 percent wanted help in their home; 13 percent needed transportation assistance; 10 percent wanted help finding a job; 26 percent wanted medical assistance; five percent needed help with social difficulties; four percent psychological assistance; 21 percent financial aid; 10 percent training of some sort; 12 percent counseling; one percent a reader or interpreter; seven percent services for other family members; five percent needed legal aid, five percent needed other services.⁸¹

ENFORCEMENT OF CIVIL RIGHTS IN MONTANA

The Montana Human Rights Commission was established in 1974. It accepts, investigates, and conciliates complaints and enjoins illegal practices of discrimination in housing, employment, public accommodations, and education.⁸² Montana law proscribes discrimination based on race, marital status, creed, race, religion, color, national origin, age, physical or mental handicap, or sex.⁸³

The Human Rights Commission has been the principal governmental civil rights enforcement agency in Montana. As an agency substantially equivalent to the Federal enforcement agency, the Commission has an agreement with the U.S. Equal Employment Opportunity Commission (EEOC) to process cases of

⁸¹Ibid., p. 4.

⁸² Mont. Code Ann. 49-2-201 et seq. (1981); 49-2-501 et seq. (1981).

⁸³ Mont. Code Ann. 49-2-303, 49-2-305 to 49-2-308 (1981).

employment discrimination within the State.

The U.S. Department of Housing and Urban Development (HUD) Office of Fair Housing and Equal Opportunity in Denver accepts complaints of housing discrimination in Montana. As of July 1982 the Montana Human Rights Commission has an agreement with HUD similar to the agreement with EEOC; and the Human Rights Commission will, on a contract from HUD, accept and investigate fair housing complaints based on the Federal Fair Housing Act.⁸⁴

The number of cases processed by the Human Rights Commission steadily climbed from 1975 through 1979 (when it dropped slightly), but the case load has begun to increase again.⁸⁵ The decrease in cases in 1979 may reflect the diminished funding, and smaller staff which the Commission experienced in that year. Funding for the Commission has come from the State and also from various Federal sources. In 1974-75 State funding was \$62,353 and Federal funds were \$19,513. By 1978-79 State monies were \$107,142, with Federal dollars amounting to \$114,627. But, in 1979-80, State funds were cut back to \$67,689, and Federal dollars also declined to \$111,844.⁸⁶ Staffing for the Commission has declined from a high of 15 persons in 1978 to 7.5 full-time employees as of September 1, 1982.⁸⁷ While the cost of handling a case has dropped dramatically, the

⁸⁴ Brown interview.

⁸⁵ Ibid., p. 13.

⁸⁶ State of Montana, Human Rights Commission, Does Discrimination Exist in Montana?, n.d., p. 3.

⁸⁷ Brown interview.

Commission's backlog of cases has become larger.⁸⁸ Though it received 308 cases in 1977-78, the Commission is currently receiving about 275 cases per year. In 1981 it reported a back log of 367 unresolved cases. Officials of the Commission claim, "The Commission is unable to fulfill its legislative mandate in a timely manner."⁸⁹ In spite of the use of informal and conciliated settlements the number of pending cases continues to grow.⁹⁰

⁸⁸ Sunset Review, p. 13.

⁸⁹ Does Discrimination Exist?, pp. 5-6.

⁹⁰ See Chart on P-43 of legislative report.

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