

MINUTES

**MONTANA SENATE
52nd LEGISLATURE - REGULAR SESSION
JOINT COMMITTEE ON STATE ADMINISTRATION**

Call to Order: By Senator Eleanor Vaughn, on January 21, 1991,
at 10 a.m. in the Senate Judiciary Room

ROLL CALL

Senators Present:

Eleanor Vaughn, Chair (D)
Bob Pipinich, Vice-Chair (D)
John Anderson, Jr. (R)
Chet Blaylock (D)
James Burnett (R)
Bill Farrell (R)
Harry Fritz (D)
Bob Hockett (D)
Jack Rea (D)
Bernie Swift (R)

Representatives Present:

Jan Brown, Chair (D)
Vicki Cocchiarella, V-Chair (D)
Beverly Barnhart (D)
Gary Beck (D)
Ernest Bergsagel (R)
Ervin Davis (D)
Jane DeBruycker (D)
Roger DeBruycker (R)
Gary Feland (R)
Gary Forester (D)
Patrick G. Galvin (D)
Harriet Hayne (R)
Betty Lou Kasten (R)
John E. Phillips (R)
Dick Simpkins (R)
Jim Southworth (D)
Wilbur Spring (R)
Carolyn Squires (D)

Members Excused: Senator Bernie Swift and Representative Fritz
Daily

Staff Present: David Niss and Sherry Heffelfinger (Legislative
Council), Judy Burggraff and Dolores Harris, (Committee
Secretaries)

Please Note: These are summary minutes. Testimony and
discussion are paraphrased and condensed.

Announcements/Discussion: There will be no demonstrations, no
placard waving, and no applause during the hearing.

HEARING ON SENATE BILL 78

Presentation and Opening Statement by Sponsor:

Senator Fritz, Senate District 28, Missoula, presents Senate
Bill 78 which proclaims Martin Luther King Day a holiday in
Montana on the 3rd Monday in January. It, also, repeals Heritage

Day so it does not add to the total number of paid state holidays in Montana. Four years ago when Heritage Day was enacted it seemed a way of recognizing the ethnic and cultural diversity of the state. It has become a holiday of convenience and has never recognized anyone's heritage. This holiday has not worked and it ought to be repealed. Martin Luther King Day would commemorate a day in our history and Martin Luther King Day is celebrated by 47 other states and 99% of the American people.

Proponents' Testimony:

Angela Russell, House District 99, Lodge Grass, appears as a proponent of this bill and will carry it to the House when it passes from committee. It is time Montana established a holiday recognizing Martin Luther King as a spiritual and political leader of the civil rights movement in this country. He thought the world could be changed by love, because it was better than hate, and by peace, because it was better than war. Freedom must be demanded by the oppressed. The civil rights movement was to end racial injustice. It helped outlaw discrimination and segregation and ensured voting rights for all U.S. citizens. Ms. Russell grew up on the Crow Reservation and learned early discrimination and injustice when they left the reservation. Martin Luther King Day will be a symbol of human dignity for all God's children.

Nancy Keenan, State Superintendent of Schools, appears in support of Senate Bill 78. Children are not born with prejudice, they learn it from adults that different sometimes means inferior. We need to teach children to live, love, work, and respect our multicultural and multiracial world. She gave several examples of children's quotes in support of Martin Luther King Day. Please pass this bill.

Mike Cooney, Secretary of State, emphasized the fact that Martin Luther King fought successfully for passage of a voting rights act that would put an end to literacy tests and dramatically extend voter registration from coast to coast. He submitted his testimony in favor of Senate Bill 78 in writing. (See exhibit 1)

Judy Browning, Deputy Attorney General for Montana, read Marc Racicot's testimony in support of Senate Bill 78 into the record. (See exhibit 2.)

Representative Bob Gervais, House District 9, Glacier County and the Blackfeet Reservation, emphasized that the civil rights movement taught the Indians that they have a right to live free from discrimination because of their race in employment, housing, voting rights, government services. The Martin Luther King civil rights movement gave Indians the momentum to accomplish the 1968 Indians Civil Rights Movement, a law which provides civil rights protection for Indian people within their own communities. He recommends a do pass on this bill.

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Representative Paula Darko, House District 2, Libby and Lincoln County, said that the Lincoln County Task Force on Human Rights was organized this past summer, after a year of racist and separatist activity in our community by the Montana Separatist Alliance which is headquartered in Libby. Her support, and that of the task force, is because they see this holiday as a strong statement of their deep feelings for equality and justice and against those who would work against those values.

Francis Belgarde, Executive Director of the Helena Indian Alliance, offered a written statement in support of Martin Luther King Day. The statement is written by Dr. Connie O'Connor, physician at the Leo Pocha clinic, and includes this quote of Dr. King. Dr. King said, "We must pursue peaceful ends through peaceful means.".....If we are to have peace on Earth, our loyalties must transcend our race, our tribe, our class and our nation; and this means we must develop a world perspective...all life is interrelated." (See exhibit 3)

Eric Feaver, President of the Montana Education Association, a statewide teachers organization representing 8500 members. Heritage Day has become a day of convenience, a holiday of no consequence, meaning nothing. Replace it with a day that supports substantially the history and future of this nation. Urge strong support of Senate Bill 78. The MEA is an affiliate of the National Education, a teacher and school employees organization of 2.3 million persons. Periodically the NEA has regional conferences in Montana. Next summer the National Leadership Conference at Big Sky, wherein 400 persons from around the nation will be gathered for a week. The NEA will not hold regional conferences in any state that does not accommodate Martin Luther King Day.

Tom Towe, Senate District 46, supports SB 78 and said we need to show support of the struggles the Black Americans have put forth in this country.

Jeannine Windy Boy, President of Little Big Horn College, a Crow Indian, who lives in Lodgegrass, Montana, subscribes to the idea that we need a peaceful community with justice, dignity and equal opportunity. It's easy for Montanans to think this is a racially peaceful state, but injustice does exist. In 1983 they filed a voting rights case against Big Horn County because they had uncovered discrimination that was similar to those the Blacks suffered in the deep south. They found hypertechnical voting cards that prevented voter registration, unproportionate and uneven delivery of services in the county. Educational tracking still existed in the school. Dr. King's voting rights case gave protection against voting discrimination. Our region is targeted for neo-nazi groups, who are not peaceful, not honorable and not just. Please pass Senate Bill 78.

Harley Warner, Montana Association of Churches, said he represents 8 different denominations which includes about 600

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mainstream churches scattered throughout Montana. They support S. B. 78. (Exhibit 4)

Carlene Old Elk, Department Head of General Studies at Little Big Horn College on the Crow Reservation, and a school board member for districts 1 and 17H. The designation of Heritage Day to Martin Luther King Day will emphasize that Montana is ready to study and provide opportunity to children to learn about the principles of peace, nonviolence, liberty and justice. Please support this bill.

Phil Caldwell, President of the Great Falls NAACP, as a proponent of this bill for Martin Luther King Day in Montana. This bill benefits all Americans, all races, all backgrounds, all political persuasions, segregationists and integrationist. It's a dedicated person who will face the "clan", to march on bigots and helmeted troopers and mean sheriff's dogs, to face fire hoses and cattle prods, to live revolution. Martin Luther King died for mankind.

David Rusoff, Montana Human Rights Network, which was formed in the last year to oppose the white supremacy movement, and share civil rights activity information across the state. The Network supports this bill.

Bill Wassmuth, Executive Director of the Northwest Coalition Against Malicious Harassment, whose members are 250 organizations in the 5 northwest states. Eighteen of those are in Montana. They support Senate Bill 78. (exhibit 5)

Mark Kelley, St. Peter's Episcopal Cathedral, supports Senate Bill 78. He said the 46 Churches of the Episcopal Diocese of Montana in their 87th Convention voted in support of observing Martin Luther King Day as a legal holiday in this state.

John Ortwein, Director of the Montana Catholic Conference, said he represents the two Roman Catholic Bishops of the State of Montana in matters of public policy. They support SB 78. (exhibit 6)

Wilbur Rehmann represents the Helena Human Rights Taskforce, which was formed to respond to a white supremacist group from California announcing that it wanted to move its national headquarters to Helena. They also want to respond positively and celebrate Montana's rich cultural and ethnic heritage. They support SB 78. (exhibit 7)

Eleanore L. Gowin, Executive Director of the YWCA, Great Falls, stated that their mission and purpose every day is for the dream of equality for all people. The YWCA across the country stands for the spirit of freedom, the spirit of equality, freedom of opportunity. We urge you to honor these ideals of peace and equality by supporting SB 78.

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Deborah Stanford, Billings Forum for Racial and Ethnic Equality (BFREE), is dedicated to the dream of equal rights for all. Dr. King recognized the strength of peaceful revolution and preached it in the face of America's giants. The U. S. is founded on the premise that "All men are created equal." By honoring Martin Luther King we are saying we believe in the inherent equality of all humankind. Support SB 78.

Tony Lewis, Roni Graham and Stephanie Hermanson gave written testimony from their Camp Fire group in East Helena in support of SB 78. (see exhibit 8)

Carl J. Donovan, represents Concerned Citizens Coalition, which is a grassroots organization with chapters in Belt and Havre who work on issues of people with low to moderate income. That Coalition gives their employees the 3rd Monday in January off as a paid holiday. That is easier than fighting the racism that exists in Montana. It was 15 days after Martin Luther King's death that Congress passed the Fair Housing Act of 1968, which is one of the last civil right's frontiers. Racism and sexism are deeply rooted in our country's history. Pass SB 78.

Colin Meloy is a Helena High School student who represents the Students Organized Against Racism. They are in favor of SB 78. Martin Luther King fought for all minority rights and all peoples rights. He was an inspiration. Please do pass.

Andy Gordon is a 5th grader at Jefferson School in Helena, who supports SB 78.

Bryan Pelc mentioned Lincoln's heroism in freeing Blacks. He said if the positions were reversed, we would want the recognition so we should give it to them.

Health Lion is a 5th grader at Jefferson School in Helena, who supports Senate Bill 78 because Martin Luther King was a peacemaker. She thinks Blacks should have a holiday of their own.

Sarah Olson is a 5th grader at Jefferson School in Helena who thinks we should make Martin Luther King Day a holiday because most other states already have done that.

Tom Huddleston, City Commissioner and Mayor Protem of Helena, mentioned the hate groups that want to move to Montana. He gave several examples of bigotry and discrimination. As a young platoon sergeant in Viet Nam he fought, lived and died beside all races. Now again they're fighting for our country regardless of race. Dr. King aspired toward greater values and we should take a day to honor him.

Danielia Lumiage, a student at the University of Montana, presented 51 pages of Petitions containing roughly 1800 signatures of who expressed concern for Montana state holiday

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recognizing Martin Luther King. These are a number of college students from both UM and MSU as well as community individuals and businesses. (These petitions can be seen at the Historical Library.) (Exhibit 10)

Bonita Stevens from CR Anderson school in Helena, wants Montana to declare a Martin Luther King holiday for 2 reason, 1. because he stood for equality of all men; and 2. Montana will appear to be racist. Please pass this bill. We could lose economically if Blacks boycott our state. He's an outstanding Black American who has won the Nobel Peace Prize. Please pass this bill. (exhibit 20)

Patrick McCleary, represents 10,000 students of the University of Montana, in supporting Senate Bill 78 making Martin Luther King Day a holiday. (Exhibit 11)

Rhonda Langford, member of the Confederate Salish and Kootnai Tribes, Chairman of the Montana Rainbow Coalition, believes this is the right thing to do to make a holiday to honor Martin Luther King. Please pass this bill.

Donna Small, Vice Chairman of the Democratic Party, stated that the Party felt strongly enough about this holiday that they made it part of the Democratic Platform at their convention last June. We should honor Martin Luther King with a holiday of his own.

Linnea Wang, Clerk, Helena Quakers, had her testimony read into the record. (exhibit 12)

Starshine read the testimony of the Great Falls Quakers into the record as written by Judith Raunig-Graham and Kathy Yankoff on behalf of the Quaker Worship group, Religion Society of Friends. (exhibit 13)

Paul Richards has been working with a group of Quakers called the Martin Luther King Jr. birthday celebration committee. To reject this as a holiday is an embarrassment. He's been a controversial advocate for equal rights, civil liberties, social justice, and peace. He challenged racism, discrimination, inequity and violence. (exhibit 14)

Bobby Balaz is an individual who wants to speak out in favor of Martin Luther King Day being a Montana holiday.

Silvia Dvarkis Robert is an individual who recalled growing up in Wyoming and never seeing any black people. Her father never talked of black people, Africans or Negroes. He talked only of coons and nigers and I always knew deep within myself that he was an ignorant man in that way. I have resisted my father's attitudes but I have carried the scars for 40 years by feeling much shame and guilt and letting those feelings affect my relationships and interactions with people of a different color. I'm not alone in my experiences. If I had had more of an

opportunity to learn of black people when I was young, I would have been strengthened in my young convictions of the absurdities of prejudice. Passing this bill will be a great benefit, to both white and black. If a child is raised in a home where there is much hate and prejudice, but he has the opportunity to go to school and learn where there is a national holiday representing a man of a different color, he will have more opportunities within himself what is truth. I believe that these old ugly prejudices will be weakened and diluted and watered down. I pray that when my grandchildren are in school and they read of the injustices that they will be amazed and in disbelief, for it will be so foreign to their consciousness. I believe that passing this bill will ensure that these will someday be a reality for our children's children.

Dan White is a concerned citizen. There is Black history in Montana. As a college student I wrote an honors thesis on the Black History in Butte, Montana. During the research he found much discrimination of Blacks. At the turn of the century there were 301 Black people in Montana. The job Blacks held were on the railroad, valets, and common laborers. There were only 2 professionals at that time. None were allowed to work in the mines in Butte.

Proponents Who Left Written Testimony But Didn't Speak

Our Savior's Lutheran Church, Great Falls, MT (exhibit 17)
Brenda Wahler (exhibit 18)
Jefferson School students (exhibit 19)
C.R. Anderson School students (exhibit 21)
53 student signed statements (stored at Historical Library)
Billings Gazette article

Opponents' Testimony:

Philip W. Conover stated that he questioned the character of Martin Luther King. He included copies of the Wall Street Journal of Friday, November 9, 1990, wherein the article states that Martin Luther King had plagiarized most of his writings. This was found by a committee who had been appointed to study his writings. Plagiarized means to steal ideas or words of another and claim them as your own. When he signed a paper to get his Doctor of Divinity Degree, he signed as though it was his own writing. The Wall Street Journal article goes on to say that Martin Luther King is a questionable role model for young Blacks. He compared presidential hopeful Gary Hart's adulterous behavior with Dr. King's adulterous behavior with several explicit examples. Dr. King's friends were known Communists. Robert Kennedy warned King about the people he was associating with but he continued having Communists on his staff. Why was his record sealed? He's the only man in the history of the country to have his record sealed. Will it show his shortcoming or will it show him to be a great man? (Exhibit 15) He opposes Senate Bill 78.

Tom Harwood, Shelby, Montana, rebutted Nancy Keenan's statement that racism is a learned response. Someone said we should not be forced against our will. He rises in opposition of this bill on the basis that he does not like holidays. He was in Viet Nam for 2 years, 9 months in combat. In the field there was no color, except green. A man wore the uniform and fought beside you, he covered your back and you covered his. We all bled red. He walked into an all Black bar and was run out of it. We all have selective memories. What is the purpose of the holiday? If making this a holiday is simply coming into compliance with the federal schedule, just declare that all federal holidays will be observed in Montana. Specific days are set for good reasons, such as, Veterans Day on November 11. Schools should teach about the Blacks in Montana from Lewis & Clark to present time. There are 5 states in the south that do not celebrate Lincoln's birthday. Without the Emancipation Proclamation and the passage of the 13th and 14th amendments to the U.S. Constitution there would be no civil rights for Martin Luther King to fight for. There are 3 people with holidays named for them, Washington, Lincoln, and Columbus. (Exhibit 16)

Mr. Conover suggested that if we must honor a Black man we should choose Booker T. Washington, or George Washington Carver.

Representative Robert Clark, House District 31, rises in opposition to S. B. 78 and feels that Dr. King did much to elevate the Blacks in this country to a place of equality. There are too many unanswered questions as to what Dr. King really did stand for and about the association he had with people who supported the overthrow of this country. Was Dr. King a pawn in a greater plan and his life being cut short deprived us of answers of what he was involved in. The records that were sealed by a federal judge also are hiding many answers that we should have before we enact this holiday. In the year 2027 when these records are open many questions will be answered. The states that do not have a holiday commemorating Dr. King are being black mailed when it comes down to withholding events from the state. Dr. King, who stood for freedom and people's rights, would not condone what is happening in the area of withholding events to get a holiday in his honor.

Questions From Committee Members:

None

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Closing by Sponsor:

Senator Fritz closed by saying there are many heroes in American history and none without blemish. Who will cast the first stone? Whenever a person is trying to instigate radical change there will always be negative publicity. He changed America for the better and made justice more equal for all. Thank you for a fine hearing.

ADJOURNMENT

Adjournment At: 11:45 a.m.

JAN BROWN, House Chairperson

Eleanor Vaughn

ELEANOR VAUGHN, Senate Chairperson

JUDY BURGGRAFF, House Secretary

Dolores Harris

DOLORES HARRIS, Senate Secretary

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