PS1 for 2/26/87#THE CIVIL RIGHTS RESTORATION BILL

The Civil Rights Restoration Bill (informally known as the Grove City bill) is an issue that shows how the feminists seek a hidden agenda behind their lofty rhetoric. Maneuvering about this bill also explains why the feminists are so intransigent on legislative issues.

The original purpose of Title IX, the Education Amendments of 1972, was to open up career opportunities for women by guaranteeing open access to every kind of educational institution. It prohibited discrimination "on the basis of sex" at every educational institution at every level that received any federal funding. As a practical matter, that includes nearly all schools and colleges.

When Title IX was passed, nobody ever guessed that the word ""sex'' in the statute would be defined to include abortion. In 1972, abortion was illegal in most of the 50 states, and that issue was never raised in Congressional debates about the law.

Abortion became legal with (BF)Roe v. Wade(end BF) in January 1973. In subsequent years, the abortion lobby developed the legal theory that, because abortion is a medical procedure that happens only to one sex (women), it would constitute ""discrimination'' on account of ""sex'' to deny taxpayer funding for abortions.

Under the Gerald Ford Administration, the U.S. Department of Health, Education and Welfare was dominated by the feminists, and so it accepted this curious definition of the word sex. Starting in 1975, Title IX began to be used as a pro-abortion tool. Although the Title IX statute said nothing about abortion, the bureaucrats wrote the Title IX regulations (which had the force of law) to say that any educational institution that accepted any federal funds could not distinguish between abortion and any other medical benefit.

These arbitrary regulations required colleges to treat abortion as a ""medical benefit,'' to include elective abortions in their health insurance plans for employees and students, and to provide abortion referrals at student health clinics. There was a narrow exception for colleges ""controlled by'' a

religious organization, but that was very limited in effect because most religiously affiliated colleges are not ""controlled by'' a church.

The bureaucracy's regulations expanded the reach of Title IX in other ways, too. Although the statute clearly states that it is ""program-specific,'' the Department's regulation expanded the power of the Federal Government to regulate the entire institution.

In 1984, Title IX reached the Supreme Court on this latter issue in the case of (BF)Grove City College v. Bell(end BF). To the dismay of the power-seeking bureaucrats, the Court held that the statute means what it says, and that the anti-discrimination requirements of Title IX apply only to the specific program or department receiving federal funds, not to the entire institution.

A broad coalition of feminists and liberals started to work diligently to overturn the (BF)Grove City(end BF) decision, and there appeared to be considerable support for this goal. Their lobbying effort was dressed up in the supposedly irresistible semantics of ""civil rights'' (indeed, even the ""restoration'' thereof), but the effort has been stalemated because the pro-abortion lobby is using this bill as an excuse to extend pro-abortion requirements.

The Civil Rights Restoration Bill would not only restore Title IX's pre-(BF)Grove City(end BF) regulations, which mandate abortion services in all universities, but it would extend the long arm of Title IX to ""all of the operations of'' any hospital that has a teaching program (that is, has interns, residents, or nursing students). Hospitals would become liable to provide abortion ""benefits,'' including insurance coverage, to their employees, students and others connected with the institution.

But even that is not all. The bill would probably force all hospitals (even those religiously affiliated) to perform abortions for the public, because anyone who was denied an abortion could charge ""sex'' discrimination under Title IX. This effect of the Grove City bill is admitted by both anti-abortion and pro-abortion activists.

Amendments to make the Grove City bill abortion-neutral have been offered by Rep. F. James Sensenbrenner, Jr. (R-WI) and by Rep. Thomas Tauke (R-IA), but the pro-abortion activists adamantly refuse to consider any amendments. Eleanor Smeal, president of the National Organization for Women, asserts that "the right to legal abortion is a basic civil right of women in this country."

It is difficult to escape the conclusion that the abortion lobby is simply trying to use this issue to force (BF)all(end BF)hospitals to perform abortions. Forced abortion is unacceptable in America, so that's why the bill isn't moving through Congress.