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P.S. to **the NEWS**

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BUREAUCRATIC MISPLACED EFFORTS

The failure of more than a million persons to pay back nearly $1 billion in college student loans is a national disgrace rivaled only by the failure of federal agencies to collect. The Department of Health, Education and Welfare even found 317 defaulters on its own payroll, including one earning $42,000 a year.

True, the majority of those who receive student loans pay back their debt after graduation. But that's not good enough. No bank could stay open if only the majority of its creditors repaid their loans. No retail store could stay in business if only the majority of its customers paid their bills.

Why hasn't HEW or the Justice Department tracked down the loan defaulters and forced them to pay up? Probably because the bureaucrats are doing busy work like trying to force Brigham Young University to allow male and female students to live together in the same apartments.

Brigham Young University has been waging a battle against the bureaucrats for which all those who believe in academic freedom, diversity in education, and the maintenance of moral standards are the beneficiaries. The score so far is BYU 2, bureaucrats 0.

The first confrontation came over the issue of whether BYU was subject to HEW's control under the Education Amendments of 1972, popularly known as Title IX. The law states that its provisions are applicable to those designated as ''recipient institutions,[11] that is, educational institutions which are the recipients of federal funds.

BYU has a policy of not accepttng federal funds, and therefore denied that HEW has the right to compel conformance with its maze of bureaucratic regulations

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and red tape. After many months of arguments, HEW finally issued a letter abandoning its efforts to dictate policy to BYU.

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One of BYU's policies that the bureaucratic busybodies find objectionable is that male and female students are not permitted to be housed in the same dormitories. However, even for those colleges and universities subject to Title IX, dormitories cannot be required to be coed because there is a specific exemption for campus living facilities.

However, the federal bureaucrats found a technicality on which to attack BYU from another direction. Since BYU can house only about half its 25,000 students on campus, BYU requires those who live off campus to rent from landlords who house men and women in separate wings or areas. Most students live in apartments with three to five other students.

Operating under the Fair Housing Act, which makes it unlawful to refuse to rent a dwelling to any person because of sex, the Justice Department vigilantes conducted what it called "an extensive, time-consuming and painstaking investigation," and then advanced to avenge the cause of righteousness against discrimination.

When Congress passed the Fair Housing Law, did it really mean to compel private landlords to rent apartments for the joint use of single males and single females? Justice argued that this is what the law says. BYU argued that Congress could not possibly have meant that.

After 14 months of negotiation, BYU and Justice signed a seven-page memorandum of agreement. BYU won its right to set the moral standards for its own students. Justice maintains that it must enforce its sex-integration policy on non-students. Landlords will not be able to integrate students and nonstudents, or they will be in violation of one rule or the other.

It's no wonder that HEW can't find time to collect defaulted student loans a11 owed to be or find out what happened to the $7 billi.on that HEW lost or"stolen in the last fiscal year.

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