FROM: Phyllis Schlafly

68 FAIRMOUNT, ALTON, ILLINOIS 62002 (618)462-5415

RELEASE: JUNE 12, 1984

THE BIG BROTHER BILL OF 1984

The sponsors of the new legislation proposed in Congress which is pompously entitled "The Civil Rights Bill of 1984" (S.2568) assert that its "sole purpose" is "to undo the effects of Grove City." In fact, this bill is so far-reaching and all-inclusive that it should be entitled "The Big Brother Bill of 1984."

The February 28 U.S. Supreme Court decision in regard to Grove City College in Pennsylvania held that only a specific educational "program or activity" which violates the mandate against sex discrimination in Title IX can be punished with a cutoff of Federal funds. That's the way the statute reads and, for once, the Supreme Court ruled that the law should be enforced exactly as it is written rather than in some expanded busybody interpretation assumed by the Federal bureaucracy.

The Big Brother Bill of 1984 not only says that Title IX can be enforced against the entire "educational institution" if any of its programs or activities receives any Federal funds. This bill substantially expands Federal control under Title IX (the law against sex discrimination), Title VI (the 1964 law against race, color, or national origin discrimination), Section 504 of the Rehabilitation Act of 1973 (the law against discrimination against the handicapped), and the Age Discrimination Act of 1975.

The Big Brother Bill of 1984 deletes the phrase "program or activity" from the present statutes and substitutes in its place the word "recipient." Then, the bill gives a tremendously broad definition of "recipient" to include any public or private agency, institution, organization, or other entity.

S.2568 would extend Federal control to all activities, programs and parts of universities regardless of whether or not they receive Federal assistance. For example, universities that own real estate would be required to assure that all their holdings comply with Federal architectural requirements. The university's radio station would become subject to Federal supervision. A Federal agency would be able to get coverage of semi-autonomous institutions such as the Hoover Institution at Stanford.

The definition of "recipient" is expanded with new key language to include all entities to which Federal financial assistance is extended (directly or indirectly) or "which receive support." This makes an entire institution and all its subunits subject to Federal snooping and control if it "receives support" to any of its subunits.

When a Federal agency gives Federal funds to a state university, S.2568 would make subject to Federal control and supervision not only the entire state university system, but all other state departments and agencies. This creates tremendous problems of federalism by expanding Federal supervision and control to state and local activities and agencies which receive no Federal funds whatsoever.

S.2568 specifically defines Federal assistance as that granted by an agency "directly or through ... a person." The definition of a "recipient" of Federal assistance would virtually eliminate all distinctions between Federal and state, and Federal and private concerns.

Sex-neutral procedures such as bar exams, medical boards, teacher competency, and teacher assignment may be accused of having "discriminatory impacts" and would become subject to agency enforcement activities. If a Mom and Pop food store accepts food stamps, S.2568 could require it to put in a ramp to provide access to the handicapped.

The Department of Education has tried to require New York City to reassign teachers to achieve "racial balance" in the teaching staffs of various public schools. Under S.2568, the Department of Education would have the authority to apply similar requirements to New York City's police department, fire department, and municipal hospitals.

The Supreme Court held in the Newport News Shipbuilding case in 1983 that "discrimination on account of pregnancy is sex discrimination." S.2568 would probably mean, therefore, that religious schools cannot have rules against abortion, homosexuality, illegitimacy, or immorality.

S.2568 would give every lawyer in the country the power to file suit to challenge practices in every aspect of every institution that receives any Federal assistance "directly ... or through a person." Furthermore, it enables such practices to be challenged under the "effects test" which ignores intent and finds persons or institutions guilty of discrimination just because a category has non-equal numbers of men and women.