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MEDIA DISTORTION OF TITLE IX DECISION

Is it now OK for colleges to discriminate against women? That's how the national news media reported the recent U.S. Supreme Court decision in Grove City College v. Bell. The true answer is "No," but national media reporting of this case is another example of how so much news reporting is skewed to serve the political interests of the noisy activists who carry on a running war of words against President Reagan.

The issue in the Grove City case was not discrimination against women at all. No woman ever claimed that she was discriminated against at Grove City, now or at any time in the past.

The issue was not whether Title IX is to be enforced. Title IX -- as written in the statute that was sponsored and put through Congress in 1972 by then Senator Birch Bayh -- has been and is aggressively enforced.

Plain and simple, the bureaucratic busybodies in the Department of Education were trying to rewrite the statute to give themselves more power over private colleges. With courtly restraint, the Supreme Court tactfully called this "an unedifying example of overzealousness." It could also be called a classic example of bureaucratic arrogance.

The Title IX statute prohibits sex discrimination in "any program or activity receiving Federal financial assistance." The law clearly does not apply to colleges; it applies to programs.

The Department of Education tried to force Grove City College (a small private liberal arts college in western Pennsylvania) to knuckle under and file mountains of compliance papers on its administration and all its programs just because it has one program receiving Federal financial assistance. The Court ruled that this interpretation would require "ignoring Title IX's program-specific language."

Neither the Department of Education nor the Supreme Court has the constitutional authority to do this. It is refreshing that the Court stuck with its constitutional duty of interpreting the law, rather than engaging in judicial activism to rewrite the law

according to its own notions of what the law should have said.

In analyzing the Title IX statute, the Court stated: "We have found no persuasive evidence suggesting that Congress intended that the [Education] Department's regulatory authority follow federally-aided students from classroom to classroom, building to building, or activity to activity."

Although many news dispatches falsely attempted to paint a pathetic picture of aggrieved women now left defenseless by this decision, it poses absolutely no problem of discrimination in employment. Women faculty members of both public and private colleges (including Grove City College) who suffer job discrimination can still file their complaints with the Equal Employment Opportunity Commission.

The 14th Amendment's Equal Protection of the Law guarantee to women (as well as to men) is still intact. All Title IX guarantees against sex discrimination in professional schools are still in place.

At the undergraduate level, women can choose to receive their education from among 554 public and 1,217 private colleges and universities. All except a handful are already within the Title IX net of compliance control.

That tiny handful of colleges (such as Grove City and Hillsdale colleges) has developed a scale of values which accords a higher rank to freedom from Big Brother looking over their shoulder than to grants of Federal tax dollars. Can't America be tolerant enough to allow for this modicum of diversity in education?

Grove City posed no threat to people's rights; not a single woman alleged discrimination. This hard-fought and expensive case simply pitted bureaucratic arrogance against diversity in education. The Department of Education's action is analagous to the battle now going on at the elementary level where Nebraska and a few other states have demanded that no private or religious school be allowed to remain open unless licensed by the state.

Somehow, some people have lost sight of our objective. Isn't the freedom to choose the kind of education you want more important than the filing of some papers to satisfy an overreaching bureaucracy?