

New Civil Rights Bill Controversial

Washington (NC) -- A proposed new Civil Rights Act of 1984, designed to overturn a Supreme Court decision on college sex discrimination and public funding, is getting bipartisan support on Capitol Hill but is splitting the ranks of the Reagan administration.

The bill, H.R. 5490, is backed by Jesuit Father William Byron, president of The Catholic University of America, who testified on its behalf for several higher education groups. But it was criticized by a small group of college presidents who, like some members of the Reagan administration, think it will lead to government interference.

In essence the bill would overturn a February Supreme Court ruling, popularly known as the Grove City College case, in which the high court said that if a college or other higher educational institution is found guilty of sex discrimination in a given program, only federal funds to that program can be shut off -- not the federal

assistance provided on a university-wide basis.

The ruling provoked a wide outcry on Capitol Hill and elsewhere and led to the drafting of H.R. 5490, which has about 200 House sponsors.

The House Education and Labor and Judiciary Committees May 23 approved the bill and sent it on for full House action. In the Republican-controlled Senate, comparable legislation has 63 sponsors.

Supporters of the bill say that prior to the Grove City decision, courts and legislative bodies had believed that if an educational institution discriminated in any program, it could suffer loss of federal funds to all programs.

F. Peter Libassi, an attorney formerly with the U.S. Department of Education, said in congressional testimony that the Supreme Court's Grove City decision might mean that institutions practicing discrimination could avoid penalization under anti-discrimination

statutes by "compartmentalizing" their federal funds.

Father Byron, in his testimony on behalf of eight higher educational organizations, including the 1,700-member American Council on Education and the Association of Catholic Colleges and Universities, said H.R. 5490 is needed to clarify application of anti-bias laws dealing with discrimination on the basis of sex, race or national origin, age and physical handicap.

These laws "have provided an important mechanism for eliminating various forms of discrimination relating to educational and employment opportunity," Father Byron said. "Passage of this legislation is warranted at this time to ensure that educational rights are protected to the fullest extent and to signify rededication to the goals of existing civil rights statutes."

Another educator, Bruce C. Hafen of Ricks College, Rexburg, Idaho, criticized the bill as a threat to the colleges' independence. President of the 165-member

American Association of Presidents of Independent Colleges and Universities, Hafen said many colleges try to avoid getting federal funds but that the bill would force them to "be as completely overwhelmed by the collective cloak of regulation" as if they'd received substantial federal funds for years.

The Reagan administration has issued mixed messages on the bill.

Assistant U.S. Attorney General William Bradford Reynolds, chief of the Justice Department's civil rights division, has testified that the bill should limit itself to sex discrimination because anything else would precipitate conflict between "principles of equal opportunity and limited federal involvement in state and local affairs."

Asked May 22 at a news conference if his administration would support H.R. 5490, President Reagan said that if the legislation will "prevent discrimination against women in educational institutions that are getting funds from the government --

we support that." However, he added, "there is legislation which is so broad that actually it would open the door to federal intrusion in local and state governments and in any manner of ways beyond anything that has ever been intended" by civil rights laws. "That kind of legislation we would oppose," Reagan said.

Nonetheless, Terrel Bell, U.S. secretary of education, told reporters May 23 that restricting the new law to sex discrimination "doesn't go far enough." He said he backs H.R. 5490, with a limited technical modification to accommodate university systems with more than one campus.

Moreover, he said, educational institutions seem to be backing away from firm commitment against sex discrimination as well. As a result of the Grove City ruling, the Education Department has had to scrap anti-discrimination proceedings against 18 institutions of higher education and four grade or high schools, Bell said.

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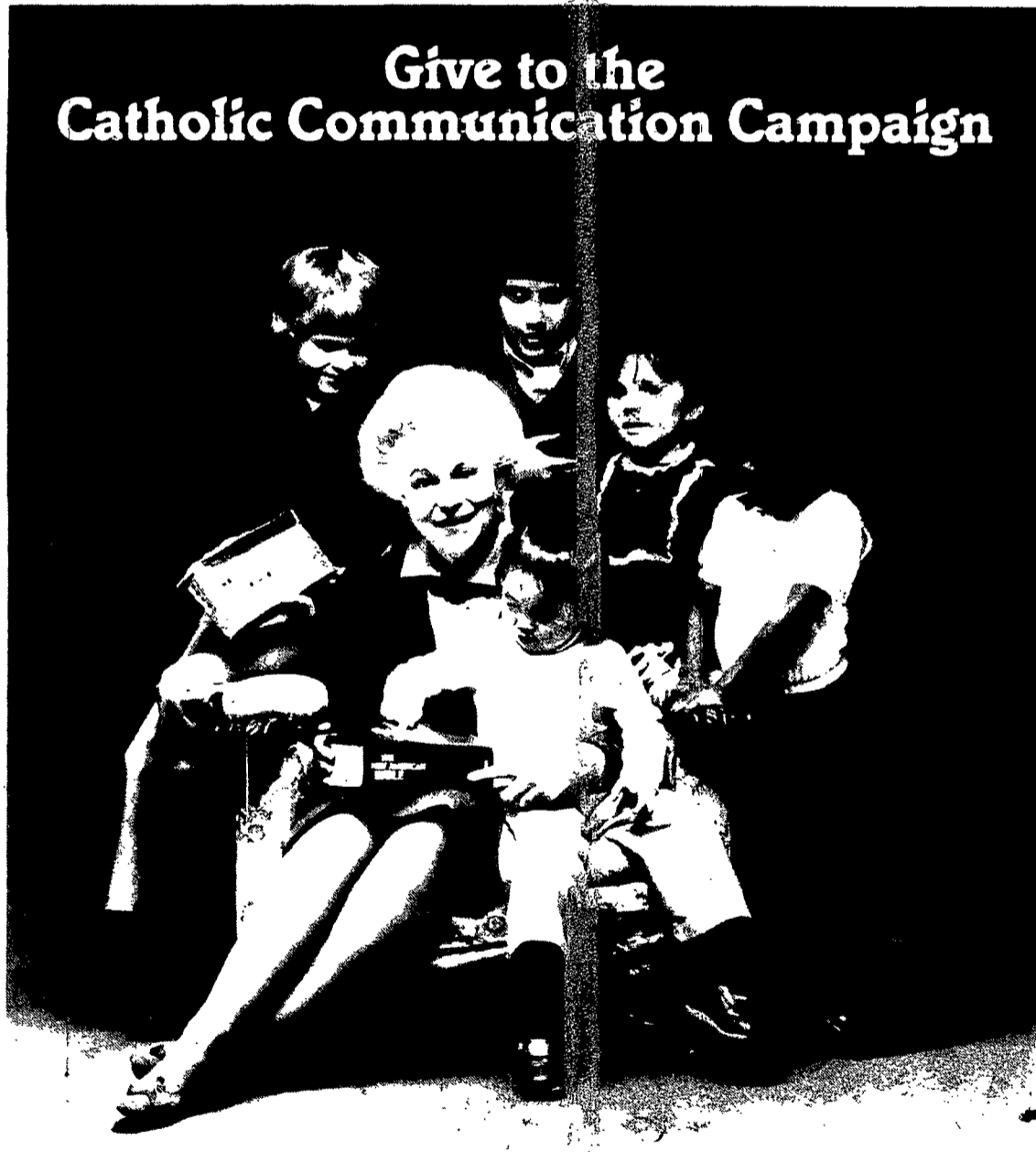
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