CIVIL RIGHTS RESTORATION ACT:
BIBLIOGRAPHY-IN-BRIEF, 1984-1988

Charles Dove

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Congressional Research Service

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Abstract

This bibliography includes references to magazine articles, monographs, and congressional documents which discuss civil rights legislation following 1984 Supreme Court decision in Grove City v. Bell which ruled title IX applies only to the specific program receiving federal financial assistance.

Argues that proposed legislation to reverse the impact of the Grove City College v. Bell decision is not in the best interest of the groups that it intends to protect because the liberty of everyone is further eroded by increased governmental intervention into the lives of the individual.


Article contends that "the Supreme Court has recently been dividing on issues that directly affect the remedial vitality of section 1983. As a result, section 1983 jurisprudence has become muddled, and the effectiveness of private federal rights enforcement has undoubtedly suffered. Some observers note a tendency in current Court opinions to cut back on section 1983 litigation at all costs."

Blow, Richard. Don't look NOW. New republic, v. 198, Apr. 11, 1988: 11-12. "The story of why NOW [National Organization for Women] stood on the sidelines during the most important legislative battle for women's rights in recent years is a textbook example of how to lose friends and not influence people on Capitol Hill."


"HR 5490 and S 2568 address the Grove City issues by making clear that any 'recipient' of federal aid—rather than any 'program or activity' receiving aid—would be required to conform to non-discrimination laws."


Article concludes that prior to Grove City "potential victims of discrimination had the assurance that they would not be arbitrarily subjected to discrimination as they moved from one schoolroom to another, or one worksite to another. If Congress moves rapidly to overturn Grove City, these assumptions need not be disturbed. If it does not, the civil rights laws will be left severely weakened."

As in prior years, there are before the 100th Congress two bills, S. 557 and H.R. 1214, designed to “restore the . . . broad institution-wide application” of certain Federal civil rights laws in the wake of the U.S. Supreme Court ruling in Grove City College v. Bell.


This report examines the Civil Rights Restoration Act of 1985 (H.R. 700) as reported out of committee which would “restore the . . . broad institution-wide application” of certain Federal civil rights laws in the wake of the Supreme Court ruling in Grove City College v. Bell.


This report analyzes H.R. 709 and S. 464, bills in the 100th Congress to amend the 1964 and 1968 Civil Rights Acts to prohibit discrimination on the basis of “affectional or sexual orientation.”


This report summarizes the provisions of the proposed Civil Rights Amendments Act of 1987, which would prohibit discrimination on the basis of affectional or sexual orientation, and sets forth the major arguments for and against the proposed legislation.


“In its decision, the high court upheld the Reagan administration’s narrow reading of the law, finding that Title IX protection applies only when there’s a direct link between federal funds and specific activities or programs.”


“Two decades after a landmark bill to end racial bias, opportunities have grown far more plentiful for minorities, but subtle discrimination lingers on.”

Greene, Linda S. Twenty years of civil rights: how firm a foundation? Rutgers law review, v. 37, summer 1985: 707-754. LRS85-15085

“This article examines the progress made toward equality under the twentieth century civil rights statutes. In particular, developments in housing and employment discrimination are reviewed. In assessing prospects for the future of equality, this article explores the concepts of state sovereignty and victimization. It concludes that the civil rights statutes have accomplished a great deal, but that their role as viable avenues to meaningful equality has not yet been fully realized.”

Griffin, Joan M. Grove City College v. Bell: restricting the scope of title IX. Harvard women’s law journal, v. 8, spring 1985: 179-194. LRS85-4656
Comment concludes that following the Grove City decision “the government has quickly adopted the position that the ‘purpose and effect’ of federal funds will be narrowly construed to limit the applicability of civil rights laws. This narrow construction will in turn lead to limited enforcement of these statutes. Congress could not have intended, and should not tolerate, such a result.”


Raises objections to the proposed Civil Rights Act of 1984, which failed to pass the 98th Congress and would have overturned the Supreme Court’s 1984 Grove City decision.


S. 557, 100th Congress, as it passed the House and Senate contained an amendment to the definitional section of the Rehabilitation Act discussing the applicability of section 504 as it relates to the employment of persons with contagious diseases or infections. This provision would most likely be interpreted as codifying the existing standards relating to section 504 interpretation concerning discrimination against individuals with handicaps.

Lascell, David. Grove City College v. Bell: how long is the Federal regulatory reach? Journal of social, political and economic studies, v. 9, spring 1984: 38-44. LRS84-18320

Just prior to the Supreme Court decision, this lawyer defends Grove City College’s position that it should not be subject to Federal regulation since the school does not receive financial assistance from the Federal Government.


In Grove City College v. Bell, the United States Supreme Court held that the sex discrimination prohibitions of Title IX of the 1972 Education Amendments were intended to cover educational institutions receiving either direct or indirect Federal assistance but only to the extent of the program or activity aided. This report discusses the cases and legislative reaction.


The Senate in January 1988 passed S. 557 with amendments to “restore the . . . broad institutions-wide application” of certain Federal civil rights laws in the wake of the U.S. Supreme Court ruling in Grove City College v. Bell. This report discusses the background and contents of this legislation.

Lyke, Robert F. Title IX: new legislation to overturn the Grove City College decision. Congressional Research Service review, v. 5, June 1984: 14-16. LRS84-8407

“On February 28, 1984, the U.S. Supreme Court ruled in Grove City College v. Bell that title IX applies only to the specific program or activity receiving Federal financial assistance. . . . People who advocate a strong Federal role in combating sex discrimination argue that unless Congress overturns this decision, title IX’s enforcement will be severely impaired. Moreover, they contend that the enforcement of other civil rights laws with similar statutory language will also be affected.”

McClure, Phyllis, and Antonio Califa. Justice denied: the loss of civil rights after the Grove City College decision; a report compiled by the NAACP Legal Defense and Educational Fund, Inc. and the American Civil Liberties Union. Washington, The Union, 1986. 8 p. LRS86-1886
Since the Grove City College ruling, thousands of complaints charging discrimination already filed with the Department of Education, the Department of Health and Human Services and other federal agencies have been dismissed on the grounds that the agencies lack jurisdiction. This report will document a small sampling of these cases and show the extent to which civil rights for minorities, women, the disabled and the elderly, once thought to be secure, now have been trivialized.


Partial contents.—Pending civil rights legislation.—Pro & cons: should Congress enact the proposed Civil Rights Act?


"The problem with the Civil Rights Act of 1984, in short, is not the principle it enunciates. Rather it is Congress' failure to confront controversial practices. The sponsors of the new legislation stress that it will break no new ground, but they have an obligation to clear up the old ground—to settle many of the issues that have clogged court calendars in recent years."


Article reviews the development, interpretation, and enforcement of regulations prohibiting sex discrimination in intercollegiate athletics, a policy mandated by title IX of the 1972 Education Amendments and administered by the Department of Education's Office for Civil Rights. Appends (p. 183-326) OCR's findings for 72 intercollegiate programs and the compliance plans ODR has accepted for remedying inequities.


American Civil Liberties Union legislative counsel charges that the Reagan Administration "violated the nonlegislative understandings that had been part of the agreement" to preserve the commission.


"This report documents a series of official acts, many of which have not been widely reported, demonstrating the Reagan Administration's contempt of Congress, in the area of civil rights. ... These actions illustrate that the president, his White House advisors, and Justice Department officials have deliberately and systematically undermined civil rights statutes enacted by Congress."


"Just what is Title IX, and what is the uproar all about? The League of Women Voters believes that the issue is sex discrimination and that Title IX—as originally conceived and intended—is what is needed to prevent inequalities from creeping back into our schools. A look at where Title IX has come from will show why."

"Serial no. 70" Hearings held in Washington, D.C., on May 9-22, 1984.


"Committee on Education and Labor Serial no. 99-87" "Committee on the Judiciary Serial no. 29" Hearings held in Philadelphia, PA, Mar. 4; Washington, DC, Mar.7-Apr.2; Atlanta, GA, Mar. 11; Chicago, IL, Mar. 15; Los Angeles, CA, Mar. 22; and Santa Fe, NM, Mar. 25, 1985.


Hearings held May 17-25, 1983.


"The purpose of this legislation is simple and straight-forward to reaffirm pre-Grove City College judicial and executive branch interpretations and enforcement practices which provided for broad coverage of these antidiscrimination provisions."


"Serial no. 121".


Hearings held July 17 and Sept. 20, 1985.


“This publication, prepared by the Subcommittee on the Constitution, in conjunction with the Congressional Research Service of the Library of Congress, is designed to serve as a concise reference to the general civil rights statutes of the Nation, as well as to constitutional amendments, Supreme Court decisions, executive orders, and State laws relating to civil rights.”