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CRS REPORT FOR CONGRESS

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

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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.**



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

Allen, W. B. **The Grove City case: civil rights and civil wrongs.** Lincoln review, v. 6, summer 1985: 15-22. LRS85-10068

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.

Baumann, Richard M. **Civil rights litigation: section 1983.** Annual survey of American law, v. 1985, Jan. 1986: 203-227. LRS86-2279

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."

Cohodas, Nadine. **Battle shaping up in Senate over rights bill.** Congressional quarterly, v. 42, June 9, 1984: 1365-1367. LRS84-7253

"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."

Cohodas, Nadine. **Ignoring Reagan, House passes Grove City bill.** Congressional quarterly weekly report, v. 46, Mar. 5, 1988: 563-565. "After four years of trying and after reluctantly yielding in a abortion dispute, sponsors of a controversial civil rights bill and their interest-group allies pushed the measure through Congress March 2."

Czapanskiy, Karen. **Grove City College v. Bell: touchdown or touchback?** Maryland law review, v. 43, no. 2, 1984: 379-412. LRS84-10739

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."

Dale, Charles. **The Civil Rights Restoration Act of 1987: legal analysis of S. 557 and H.R. 1214, 100th Congress.** Apr. 10, 1987. Washington, Congressional Research Service, 1987. 22 p. 87-338 A

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*.

Dale, Charles. **Legal analysis of H.R. 700, the "Civil Rights Restoration Act of 1985," as reported with amendments by the House Committee on Education and Labor and the House Judiciary Committee.** Oct. 31, 1985. Washington, Congressional Research Service, 1985. 17 p. 85-1080 A

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*.

Dale, Charles V. **Homosexual rights: legal analysis of H.R. 709/S. 464, the "Civil Rights Amendments Act of 1987".** Sept. 18, 1987. Washington, Congressional Research Service, 1987. 24 p. 87-593 A

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."

Eddy, Mark A. **Prohibiting discrimination on the basis of affectional or sexual orientation: arguments for and against proposed legislation.** Oct. 13, 1987. Washington, Congressional Research Service, 1988. 11 p. 87-825 GOV

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.

Frank, Cheryl. **A return of sex bias? Title IX ruling raises fears on both sides.** American Bar Association journal, v. 70, Aug. 1984: 26-27. LRS84-8171

"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."

Gest, Ted. **Civil-rights drive shifts to low gear.** U.S. news & world report, v. 97, July 2, 1984: 27-30. LRS84-6090

"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."

Jones, Gordon S. **"Civil rights" can be a deceptive label.** Washington, Heritage Foundation, 1985. 4 p. (Issue bulletin no. 112) LRS85-15567

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.

Jones, Nancy Lee. **Legal implications of the contagious disease or infections amendment to the Civil Rights Restoration Act, S. 557.** Mar. 14, 1988. Washington, Congressional Research Service, 1988. 27 p. 88-214 A

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.

Lewis, Karen. **Grove City College v. Bell and its aftermath.** Mar. 11, 1985. Washington, Congressional Research Service, 1985. 23, 3 p. 85-664 A

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.

Lewis, Karen J., and Charles V. Dale. **The Civil Rights Restoration Act of 1987: legal analysis of S. 557.** Mar. 1, 1988. Washington, Congressional Research Service, 1988. 40 p. 88-171 A

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."

**Pending civil rights legislation.** Congressional digest, v. 64, Jan. 1985: whole issue (32 p.).  
LRS85-308

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

Ravitch, Diane. **Missing definitions: Congress and civil rights.** New leader, v. 67, May 28, 1984: 7-9.  
LRS84-12170

"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."

Reagan, Ronald. **Letter to congressional leaders on the proposed Civil Rights Restoration Act of 1987.** Weekly compilation of Presidential documents, v. 24, Mar. 7, 1988: 287.

Rice, Charles E. **Civil Rights Act of 1984; S. 2568/H.R. 5490.** Washington, Center for Judicial Studies, 1984. 25 p.  
LRS84-11917

Seha, Ann M. **The administrative enforcement of title IX in intercollegiate athletics.** Law & inequality, v. 2, Feb. 1984: 121-326.  
LRS84-18897

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.

Spence, Muriel Morisey. **The Civil Rights Commission double cross.** Focus, v. 12, Jan. 1984: 4, 6-7.  
LRS84-3146

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.

Spence, Muriel Morisey. **In contempt of Congress and the courts: the Reagan civil rights record.** Washington, American Civil Liberties Union, 1984. 28 p.  
LRS84-3794

"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."

**Title IX on the line.** National voter, v. 34, summer 1984: 22-25.  
LRS84-9048

"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."



- U.S. Congress. House. Committee on Education and Labor. **Civil Rights Act of 1984. Joint hearings before the Committee on Education and Labor and the Subcommittee on Civil and Constitutional Rights of the Committee on the Judiciary, House of Representatives, 98th Congress, 2nd session, on H.R. 5490.** Washington, G.P.O., 1984. 308 p.  
LRS84-13807
- “Serial no. 70” Hearings held in Washington, D.C., on May 9-22, 1984.
- U.S. Congress. House. Committee on Education and Labor. **Civil Rights Restoration Act of 1985. Joint hearings before the Committee on Education and Labor and the Subcommittee on Civil and Constitutional Rights of the Committee on the Judiciary, House of Representatives, 99th Congress, 1st session on H.R. 700.** Washington, G.P.O., 1986. 1329 p.  
LRS86-4533
- “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.
- U.S. Congress. House. Committee on Education and Labor. Subcommittee on Postsecondary Education. **Hearings on higher education civil rights enforcement.** Joint hearings before the Subcommittee on Postsecondary Education of the Committee on Education and Labor and the Subcommittee on Civil and Constitutional Rights of the Committee on the Judiciary, House of Representatives, 98th Congress, 1st session. Washington, G.P.O., 1984. 438 p. LRS84-3160
- Hearings held May 17-25, 1983.
- U.S. Congress. House. Committee on the Judiciary. **Civil Rights Act of 1984; report to accompany H.R. 5490 including cost estimate of the Congressional Budget Office.** Washington, G.P.O., 1984. 2 v. (Report, House, 98th Congress, 2nd session, no. 98-829, pts 1 and 2)  
LRS84-7994
- “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.”
- U.S. Congress. House. Committee on the Judiciary. Subcommittee on Civil and Constitutional Rights. **Discrimination in federally funded programs—the impact of the Grove City decision. Oversight hearing, 99th Congress, 2nd session. Aug. 7, 1986.** Washington, G.P.O., 1987. 250 p. LRS87-5016
- “Serial no. 121”.
- U.S. Congress. Senate. Committee on Agriculture, Nutrition and Forestry. **The Civil Rights Act of 1984—S. 2568. Hearing, 98th Congress, 2nd session. June 12, 1984.** Washington, G.P.O., 1984. 65 p. (Hearing, Senate, 98th Congress, 2nd session, S. Hrg. 98-1065) LRS84-13806
- U.S. Congress. Senate. Committee on Labor and Human Resources. **Civil Rights Act of 1984. Hearing, 98th Congress, 2nd session on S. 2568. Part 2. June 26, 1984.** Washington, G.P.O., 1984. 394 p. (Hearing, Senate, 98th Congress, 2nd session, S. Hrg. 98-1137, part 2)  
LRS84-15737
- U.S. Congress. Senate. Committee on Labor and Human Resources. **Civil Rights Restoration Act of 1987. Hearings, 100th Congress, 1st session on S. 557.** Washington, G.P.O., 1988. 679 p. (Hearing, Senate, 100th Congress, 1st session, S.Hrg. 100-374) LRS88-1689
- Hearings held Mar. 19 and Apr. 1, 1987.

U.S. Congress. Senate. Committee on Labor and Human Resources. **The Civil Rights Restoration Act of 1987; report together with minority views to accompany S. 557.** Washington, G.P.O., 1987. 38 p. (Report, Senate, 100th Congress, 1st session, no. 100-64) LRS87-10571

U.S. Congress. Senate. Committee on Labor and Human Resources. **Proposed Grove City legislation, religious liberty, and private education. Hearings, 99th Congress, 1st session.** Washington, G.P.O., 1986. 243 p. (Hearing, Senate, 99th Congress, 1st session, S. Hrg. 99-467) LRS86-1751

Hearings held July 17 and Sept. 20, 1985.

U.S. Congress. Senate. Committee on Labor and Human Resources. Subcommittee on Education, Arts and Humanities. **Civil Rights Act of 1984. Joint Hearing before the Subcommittee on Education, Arts and Humanities and the Subcommittee on the Handicapped of the Committee on Labor and Human Resources, United States Senate, 98th Congress, 2nd session on S. 2568. Part 1. May 24, 1984.** Washington, G.P.O., 1985. 118 p. (Hearing, Senate, 98th Congress, 2nd session, S. Hrg. 98-1137, part 1) LRS85-216

U.S. Congress. Senate. Committee on the Judiciary. Subcommittee on the Constitution. **Civil Rights Act of 1984. Hearings, 98th Congress, 2nd session on S. 2568.** Washington, G.P.O., 1984. 575 p. (Hearings, Senate, 98th Congress, 2nd session, S. Hrg. 98-934) LRS84-10056  
Hearings held May 30 and June 5, 1984. "Serial no. J-98-122".

U.S. Congress. Senate. Committee on the Judiciary. Subcommittee on the Constitution. **Federal civil rights laws: a sourcebook.** Washington, G.P.O., 1984. 149 p. (Print, Senate, 98th Congress, 2nd session, committee print S. Prt. 98-245) LRS84-13805

"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."