

Executive Memorandum

The Heritage Foundation

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REAGAN'S WISE VETO OF THE "GROVE CITY" BILL

Ronald Reagan today vetoed S. 557, the so-called Grove City bill. By doing this, he is defending the individual freedom of all Americans and is endorsing a sound interpretation of civil rights law. He is resisting a massive expansion of federal power into the lives of private citizens and into the affairs of small businesses, churches, and local government.

The bill he is vetoing is the result of legislation introduced in 1984 to reverse that year's Supreme Court decision in the case of *Grove City v. Bell*. This decision held that aid to an educational "program or activity" did not constitute aid to the entire institution. In the specific case considered by the Court, a student at Grove City College in Pennsylvania had received a federal tuition grant. Liberal extremists had argued that because even one student received federal funds, all of Grove City College was subject to the jurisdiction of the federal civil rights laws. The Supreme Court, however, rejected this argument, holding that aid to the student constituted aid only to the college's admissions program and not to its academic departments or athletic program.

Many Problems Remain. After this Supreme Court decision, efforts began immediately to reverse it. S. 557, however, goes far beyond reversing *Grove City*. This is evident from committee hearings and the floor debates in the House and the Senate over this bill and its predecessors. While a massive expansion of federal authority into the area of abortion law was dropped from the bill by the Senate, many other problems remain.

S. 557, for example, would apply the extremely complex body of the four major U.S. civil rights statutes to virtually every activity of every American, whether or not there is evidence, or even a complaint, of discrimination. Grove City College, after all, never has been charged with discrimination and does not discriminate.

Among the most serious defects of S. 557 are:

♦ ♦ A farmer, no matter how small, who receives a crop subsidy, no matter how small, or who just hires a student part-time under a federal work-study program, will find that all of his farm operations are suddenly subject to the whole range of civil rights laws and regulations, including handicapped access, affirmative action, and housing standards. The reporting and inspection requirements alone will be crushing for many small operations, even when no discrimination is charged. The farmer will also be exposed to suits by disgruntled workers.

♦ ♦ A church that operates a day-care center receiving any federal assistance will find that the entire operations of the church suddenly will be subject to the purview of federal law and

regulation. Though S. 557 contains a religious tenets exemption, many church officials, especially those of smaller churches, fear that their First Amendment rights will be threatened. Surely one result will be that a church-related day-care facility might have to hire those whom the federal courts have decided deserve protection as "handicapped," including carriers of infectious diseases such as tuberculosis or even AIDS.

♦ ♦ A grocery store, no matter how small, that accepts food stamps could find that federal law and regulation suddenly require it to install access ramps for the handicapped and adjust its work force according to federal rules requiring "balance" in age, sex, and race.

The net results of these provision will be a contraction of the real civil rights of Americans: prices will increase; small businesses will be shut down with the attendant loss of jobs and convenience, particularly in poorer neighborhoods; work-study opportunities will decrease as small employers avoid work-study and job training programs; educational opportunities will decrease, especially for the lower-income students who need federal help, as colleges decline to expose themselves to litigation and harrassment without any showing of discrimination.

S. 557 thus penalizes small businessmen, farmers, religiously oriented, but not controlled schools, parents of private school children, students in work-study programs, and unemployed workers in need of job training. In truth, this bill will penalize all Americans.

To be sure, it is politically difficult to resist any legislation labelled "civil rights." The substantial majorities for S. 557 in the Senate and House of Representatives seem to testify to this fact. Yet in each House there were enough votes for a broadened religious-tenets exemption to sustain a veto. The civil rights of all Americans would be strengthened if Reagan's wise veto of S. 557 were sustained.

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For further information:

Bruce E. Fein, "Making Sense of the Grove City Decision," Heritage Foundation *Background Update* No. 38, February 24, 1987.

Gordon S. Jones, "Civil Rights' Can Be a Deceptive Label," Heritage Foundation *Issue Bulletin* No. 112, January 18, 1985.

Gordon S. Jones, "The Grove City Decision and Civil Rights," Heritage Foundation *Executive Memorandum* No. 46, March 13, 1984.