
Title IX

37 words

John M Rector Esq.

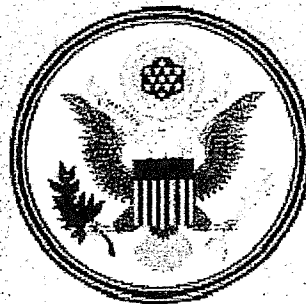
ODU Women's Studies Class

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Title IX (pronounced "title nine") is a portion of the United States Education Amendments of 1972, Public Law No. 92-318, 86 Stat. 235 (June 23, 1972), codified at 20 U.S.C. §§ 1681–1688, co-authored and introduced by Senator Birch Bayh; it was renamed the Patsy Mink Equal Opportunity in Education Act in 2002, after its late House co-author and sponsor; It states (in part) that:

No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving federal financial assistance.

Title IX



Long title An Act to amend the Higher Education Act of 1965, the Vocational Education Act of 1963, the General Education Provisions Act (creating a National Foundation for Postsecondary Education and a National Institute of Education), the Elementary and Secondary Education Act of 1965, Public Law 874, Eighty-first Congress, and related Acts, and for other purposes.

Nicknames Education Amendments of 1972

Enacted by the 92nd United States Congress

Effective June 23, 1972

Citations

Public law 92-318 (<http://www.gpo.gov/fdsys/pkg/STATUTE-86/pdf/STATUTE-86-Pg235.pdf>)

Statutes at Large 86 Stat. 235 (<http://legislink.org/us/stat-86-235>)

Codification

Acts amended Higher Education Act of 1965
Vocational Education Act of 1963
General Education Provisions Act
Elementary and Secondary Education Act of 1965

Titles amended 20 U.S.C.: Education

U.S.C. sections created 20 U.S.C. ch. 38
(<http://www.law.cornell.edu/uscode/text/20/chapter-38>) § 1681 et seq.

Legislative history

- **Introduced in the Senate as S. 659 by Birch Bayh (D-IN) on February 28, 1972**

Birch Bayh

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Title IX – Brief Legislative History

Title IX grew out of my work in sponsoring the Equal Rights Amendment in the early 1970s. We had been trying for a few years to bring the Equal Rights Amendment to the floor of the Senate. We feared it would continue to languish in the Judiciary Committee and, even after passage, it could take years before the states ratified the amendment making it the law of the land.

In 1971, we saw an opportunity to more immediately redress discrimination against women in education by attaching a new section – Title IX – to the Higher Education Act that was on the on the floor of the Senate for reauthorization.

I wrote Title IX, and moved in the Senate to have it added to the reauthorization bill. Another senator ruled a Point of Order, contending that since the word “sex” was not included in the Higher Education Act, Title IX – which prohibited discrimination on the basis of sex – was not germane.

While the discussion on the matter of germaneness was continuing, I asked a senate colleague and supporter of Title IX to take my place on the floor because I had to go down the hall to a committee room, where the Judiciary Committee was meeting to finally pass out the Equal Rights Amendment. Judiciary Committee Chairman James Eastland of Mississippi had asked me to chair the committee that day in his absence. I called the committee to order, and after less than 15 minutes of debate, the roll was called and the ERA received unanimous support of all members.

I left the Judiciary Committee meeting, and went back to the floor to continue leading the Title IX debate, contending that it certainly was germane to any education bill. When the roll was called, we lost the germaneness issue by one vote.

In the next session of Congress, we overcame the parliamentary objections to Title IX – proving that gender was indeed germane to the Higher Education Act.

Women in academics

I was educated about the discrimination against women in education by my late wife's experience being refused admission to the University of Virginia where she was told that "women need not apply."

Women in sports

My father was Superintendent of Physical Education for the DC School System for 30 years. I recall something he said early in his tenure, about 1940. One morning at breakfast, he told my sister and I that he was going to be testifying before Congress that day. "What are you going to tell them, Daddy," we asked. He said, "I'm going to tell them that little girls need strong bodies to carry their minds around just like little boys."

Birch Bayh

Enter supporting content here

Sally McTague and I present President Harry Truman with a Special Citation from Girls' Nation.



Ms Marvella Hem(Bayh) President of Girls Nation at White house 1951(on right)

SEEKING JUSTICE: WOMEN'S RIGHTS

I think [Marvella] to a very great extent made me what I am today. Here was the 19-year-old daughter of a wheat farmer who I had spirited out of Oklahoma A & M to my corn and soybean farm. And we both knew we wanted to get involved in some way in public policy to help people, to make the world a better place. And in her eyes, as we went through life together, from time to time she would remind me what it was like to be a woman in a man's world. If it hadn't been for her, I would not have been in a leadership role that I was in Title IX of the Higher Education Act, equal rights in education, equal rights for women. All of those things are the product of Marvella's coaching and tutoring and her personal experience.

— Birch Bayh, 2004

A MODERN FATHER OF OUR CONSTITUTION:

AN INTERVIEW WITH FORMER SENATOR BIRCH BAYH

The honorable Birch Bayh led an enduring career in public service. As a Senator, he was a framer of two amendments to the Constitution, and nearly oversaw the ratification of a third. During his time in office he spearheaded the passage of some of the most important federal laws of the 1960s and 1970s.

Hailing from Terre Haute, Indiana, and raised on his family farm, Bayh attended Purdue University School of Agriculture after serving in the U.S. Army. Prior to his election to the Senate, Bayh was a Member of the Indiana House of Representatives, where he eventually served as Minority Leader and later as Speaker. During his time in state office, Bayh studied for his law degree from Indiana State University at night and continued to run the family farm. In 1962, he was elected to the United States Senate, where he served until 1981.

During his Senate career, Senator Bayh served on the Judiciary Committee, the Appropriations Committee, and the Environment and Public Works Committee. He demonstrated an early commitment to social justice and equal opportunity, helping to draft the monumental Civil Rights

Act of 1964¹ and Voting Rights Act of 1965.² Bayh later co-authored Title IX of the Education Amendments of 1972 (Title IX),³ a milestone in the women's rights movement that prohibits discrimination on the basis of sex in federally funded education programs and activities. Bayh was also the chief architect of the Juvenile Justice and Delinquency Prevention Act of 1974,⁴ which aims to prevent the detention and incarceration of youth in juvenile and adult facilities. In 1977, as Chairman of the Select Committee on Intelligence, he co-sponsored the Foreign Intelligence Surveillance Act of 1978,⁵ a response to Fourth Amendment violations resulting from domestic spying programs. Through his co-authorship of the Bayh-Dole Act,⁶ which enables small businesses and nonprofit organizations, such as universities, to retain title to inventions developed under federally funded research programs, Senator Bayh revolutionized the U.S. patent system. The Bayh-Dole Act has been hailed as "[p]ossibly the most inspired piece of legislation to be enacted in America over the past half-century" and was the impetus behind similar legislation in other countries across the globe.⁷ More than just an active author of legislation, as a member of the Senate Judiciary Committee, Senator Bayh helped defeat two of President Richard M. Nixon's nominees to the U.S. Supreme Court, Judges Clement Haynsworth and G. Harrold Carswell, who were both alleged to be segregationists. For this work he won the highest honor from the Leadership Conference on Civil Rights for "his unyielding dedication to human equality and civil freedom."⁸

Senator Bayh has the distinct honor of being the only American since the Founders to draft multiple amendments to the Constitution.⁹ As Chairman of the Senate Subcommittee on Constitutional Amendments, Senator Bayh authored two amendments to the Constitution: the Twenty-Fifth Amendment on Presidential and Vice Presidential succession,¹⁰ and the Twenty-Sixth Amendment, which lowered the voting age to eighteen in the midst of the Vietnam War Draft.¹¹ Bayh was also the principal Senate sponsor of the Equal Rights Amendment, which passed both Houses of

Congress and was ratified by thirty-five states, missing by three states the required number for ratification as a constitutional amendment.¹²

Throughout his tenure in the Senate, Bayh also focused on electoral reform. On January 10, 1977, Senator Bayh introduced a proposed amendment that would have abolished the Electoral College and provided for direct election of the President and Vice President of the United States.¹³ The resolution came close to moving through the Senate, but ultimately failed to garner enough votes to end the filibuster blocking the bill.¹⁴ Following his tenure in the Senate, Senator Bayh served as Chairman of the National Institute Against Prejudice and Violence from 1984 to 1994. Bayh is presently a partner at Venable LLP in Washington, D.C. He also remains active in Electoral College reform through his work with the National Popular Vote initiative.

1. Pub. L. No. 88-352, 78 Stat. 241 (codified as amended at 42 U.S.C. §§ 2000a-2000h (2006)).

2. Pub. L. No. 89-110, 79 Stat. 437 (codified as amended at 42 U.S.C. §§ 1971, 1973 to 1973bb-1).

3. Pub. L. No. 92-318, 86 Stat. 235, 373-75 (codified as amended at 20 U.S.C. §§ 1681-1688).

4. Pub. L. No. 93-415, 88 Stat. 1109 (codified as amended in scattered sections of 42 U.S.C.); *see also* Juvenile Justice and Delinquency Prevention Reauthorization Act of 2009, S. 678, 111th Cong. (2009) (reauthorization bill).

5. Pub. L. No. 95-511, 92 Stat. 1783 (codified as amended in scattered sections of 50 U.S.C.).

6. Pub. L. No. 96-517, § 6(a), 94 Stat. 3018 (1980) (codified as amended at 35 U.S.C. §§ 200-211 (2006)).

7. *Innovation's Golden Goose*, *ECONOMIST*, Dec. 14, 2002, at 3.

8. *Current Fellows*, THE C.V. STARR CENTER FOR THE STUDY OF THE AM. EXPERIENCE, http://starrcenter.washcoll.edu/fellows/current_fellows.php (last visited Nov. 11, 2010).

9. *Id.*

10. U.S. CONST. amend. XXV.

11. U.S. CONST. amend. XXVI.

12. The Equal Rights Amendment read as follows:

Section 1. Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex.

Sec. 2. The Congress shall have the power to enforce, by appropriate legislation, the provisions of this Article.

Sec. 3. This amendment shall take effect two years after the date of ratification.

ROBERT A. BRADY, *THE CONSTITUTION OF THE UNITED STATES OF AMERICA AS AMENDED: UNRATIFIED AMENDMENTS & ANALYTICAL INDEX*, H.R. DOC. NO. 110-50, at 30-31 (2007).

13. *See generally* Birch Bayh, *Foreword to JOHN R. KOZA ET AL., EVERY VOTE EQUAL: A STATE-BASED PLAN FOR ELECTING THE PRESIDENT BY NATIONAL POPULAR VOTE*, at xxv-xxvi (2d ed. 2008).

14. *Id.* at xxv.

Susan B. Anthony would probably vote for Birch Bayh.

Susan Brownell Anthony died in 1906 after 50 years of struggling on behalf of women's rights. In 1872, she was arrested and fined \$100 for daring to vote in the Presidential election.

One hundred four years later, equal rights for women is still a burning issue.

"Birch Bayh," says syndicated columnist Marianne Means, "has done more to

advance the cause of women's rights than any other single Senator."

Birch Bayh is the chief Senate sponsor of the Equal Rights Amendment.

He led the successful fight for Title IX, which prohibits sex discrimination in schools or programs receiving federal funds. And he authored the first major child care legislation introduced in the Senate.

Thanks to the efforts of Susan B. Anthony and others, women have been able to vote for more than 50 years. Yet women now earn less money compared to men than they did 20 years ago.

That's why we need to make sure that the First Lady isn't the only occupant of the White House concerned with women's rights.



Mr. John M Rector, Esq and U.S Senator Birch Bayh 1971

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Current Biography:

RECTOR, JOHN MICHAEL, pharmaceutical association executive, lawyer; b. Seattle, Aug. 15, 1943; s. Michael Robert and Bernice Jane (Allison) R.; m. Carmen De Ortiz; children: Christian Phillip, Ciera Rose, Zachary Ryan BA, U. Calif., Berkeley, 1966; JD, U. Calif., Hastings, 1969; PharmD (hon.), Ark. State Bd. Pharmacy, 1991. Bar. Calif. 1970, U.S. Supreme Ct. 1974; registered corp. counsel Va. Bar, 2006. Hons. program trial atty. civil rights divsn. Dept. Justice, 1969-71; dep. chief counsel judiciary com. U.S. Senate, 1971-73, counsel to Sen. Birch Bayh, 1971-77, chief counsel, staff dir., 1973-77; confirmed by U.S. Senate as assoc. adminstr. to Law Enforcement Assistance Adminstrn. and adminstr. of Office Juvenile Justice Dept. Justice, 1977-79; spl. counsel to U.S. Atty. Gen., 1979-80; dir. govt. affairs Nat. Assn. Retail Druggists, Washington, 1980-85; sr. v.p. govt. affairs, gen. counsel Nat. Cmty. Pharmacists Assn., Alexandria, Va., 1986-2005, sr. v.p., gen. counsel, 2006-09, sr. v.p., spl. counsel, 2009; advisor Assn. Cmty. Pharm. Congressional Network, 2010-. Chmn. adv. bd. Nat. Juvenile Law Ctr., 1973-77; mem. HEW panel Drug Use and Criminal Behavior, 1974-77; cons. panel Nat. Commn. Protection Human Subjects Biomed. and Behavioral Rsch., 1975-76; chmn. US Interdepartmental Coun. Juvenile Justice, 1977-79; mem. bd. com. civil rights and liberties Am. Dem. Action, 1976-80, Pres.'s Com. Mental Health-Justice Group, 1978; mem. Pharm. Industry Adv. Com.; treas. polit. action com. NARD NCPA, 1981-2005; exec. dir. Retail Druggist Legal Legis. Def. Fund. 1985-2005; founder, chmn. Washington Pharmacy Industry Forum; owner

Second Genesis. Mem. editl. bd. Managed Care Law; mem. Hastings Law Jour. 1967-9; contr. articles to prof. journs. Mem. exec. com. small bus. and fin. couns. Dem. Nat. Com., 1988-92; dir. Dem. Leadership Coun.'s Network, 1989-92, bd. advisers, 1992-94, Clinton-Gore Washington Bus. adv. com.; bd. dirs. Small Bus. Legis. Coun., 1987-, sec., 1999, treas., 2000, chmn. elect, 2001, chmn., 2002; bd. dirs. Nat. Bus. Coalition for Fair Competition, 1984-, policy advisor Presdl. campaigns, 1972-2000; active Reagan for Pres. Task Force on Criminal Justice. Perry E. Towne scholar, 1966-67; recipient Children's Express Birch Bayh Juvenile Justice award, 1981, John W. Dargavel medal Nat. Assn. Retail Drug Assn. 2003, J. Leon Lascoff Meml. award Am. Coll. Apothecares, 2004. Mem. ABA (mem. com. youth citizenship 1978-84), ATLA, Calif. Bar Assn., Nat. Health Lawyers Assn., Am. Soc. Assn. Execs. (mem. govt. affairs sect.), Washington Coun. Lawyers, Assn. Former Sr. Senate Aides (EX-SOBs), Vinifera Wine Growers Assn. Va. (life), Health R Us, Am. League Lobbyists, Theta Chi, Germanna Found. Libertarian. Avocations: antiques, reading. Office: Advice By JMR 11729 Crest Maple Dr Lake Ridge VA 22192-6624, Office Phone: 703-835-1981. 703-878-2626. Web Site: www.advicebyjmr.com. Business E-Mail: jrector@verizon.net

*** END ***

Washington, Thursday, July 28, 1977

Senate

Mr. BAYH. Mr. President, I wish to bring to the attention of my colleagues an article written by John M. Rector, entitled "Juvenile Justice: A Congressional Priority"-*Judicature*, Volume 61, Number 1/June-July 1977.

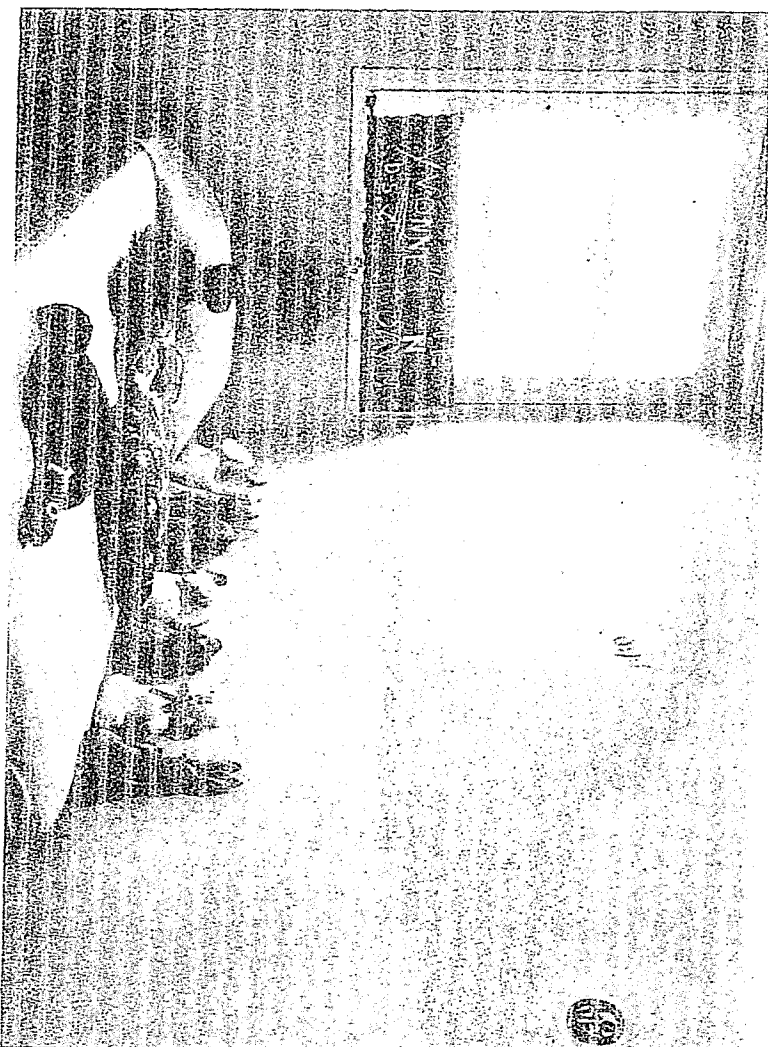
As my colleagues who have worked with John since 1971 know, before being nominated by President Carter and confirmed by the Senate as the administrator of the Office of Juvenile Justice and Delinquency Prevention the Department of Justice, he excelled as my staff director and chief counsel of the Subcommittee to Investigate Juvenile Delinquency. As a senior member of our staff, John worked long and hard. He clearly demonstrated his total commitment to the struggle for human rights for America's children. Our immediate loss of John Rector's keen sense of justice and injustice that he brought to his work with us, is offset by the contribution I know he will make in his new assignment on President Carter's team, where he will certainly be an asset to Attorney General Bell and a friend to the youth of our Nation.

The Juvenile Justice Amendments of 1977 guarantee the continuity and stability of the 1974 Act and under the direction of John Rector, the Office of Juvenile Justice and Delinquency Prevention will begin a new era.

Mr. President, it is with great pride that I ask you and my colleagues to join me in congratulating John for his significant contribution to our body and to wish him our best in his new responsibility as administrator of the Office of Juvenile Justice and Delinquency Prevention. I ask unanimous consent that a copy of Mr. Rector's article appear in the Record at this point.

There being no objection, the article was ordered to be printed in the Record, as follows.

LITTLE SISTERS AND THE LAW



INTRODUCTION

Fifty-seven years ago today, the Constitution was amended to ensure the right of women to vote. Since that time, great strides have been made to reaffirm and protect the rights of all citizens. There remains, however, a forgotten class of persons who by virtue of their age and sex suffer a double injustice. They are the young female offenders who are abandoned to an outdated, regressive juvenile justice system. Many of these young women are imprisoned for behavior classified as status offenses—behavior, if committed by an adult. These young women are looked behind bars for behavior for which their male counterparts often receive merely a wink and a look in the other direction.

Many status offenders are arrogant, defiant and rude—and some are sexually promiscuous. Detention or incarceration, however, helps neither them nor us. Some of these children cannot be helped, and others do not need help. Real help, for those who need it, might best take the form of diverting them from the vicious cycle of detention, incarceration and crime. A firm but tolerant approach will not compromise public safety and will salvage young lives.

In 1974, Congress passed the Juvenile Justice and Delinquency Prevention Act, and with that landmark legislation, established as a national priority reform of the nation's policies and practices regarding the institutionalization and treatment of young people. The Office of Juvenile Justice and Delinquency Prevention, created to provide the leadership and resources necessary to fulfill this important Congressional mandate, is pleased to reprint *Little Sisters and the Law*. I hope that the information contained in this book will serve to increase public awareness of the problems and inequities which persist for young female offenders in the juvenile justice system today.

John M. Rector
Administrator
Office of Juvenile Justice
and Delinquency Prevention
26 August 1977

Office of Juvenile Justice and Delinquency Prevention
Law Enforcement Assistance Administration
U.S. Department of Justice





John and Ciera Rector and Birch Bayh 6-23-2012 40th Anniversary of Title IX