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GOVERNMENT REGULATION

Justice backs NCA in contractor case

With what must be a collective sigh of relief, the private club industry can relax for the moment, as the Labor Department's Office of Federal Contract Compliance suffered a setback in its plan to achieve further access to clubs with admissions policies restrictive to blacks and women.

In a December opinion by the Justice Department on the OFCC thinking, the Labor Department's policy of getting more minorities into such clubs, through threat of voiding federal contracts to employers that pay for executives' dues and fees, fell apart. In a letter to Solicitor of Labor William J. Kilberg, Assistant Attorney General Antonin Scalia found the Labor Department's proposals on handling of restrictive admissions were too broadly based.

At the forefront in the fight against the government was the National Club Association and its executive director, Jerry Hurley. "We feel the Justice Department has vindicated our position, reinforcing that the Labor people were indeed very broad based in what their policy was going to achieve," Hurley told GOLF BUSINESS.

Labor has asserted that the fact blacks and women did not have access to such clubs prevented them from making the same advancements their white, male colleagues could make. Disputing this, the NCA held such advancement was not denied because employees were denied membership in such clubs. If an employer was doing this to retard the advancement potential of an employee, then the employer, not the club would be at fault.

Quoting from Scalia's findings, the assistant attorney general made it clear he was not looking at Labor's case in a specific instance and the position of the OFCC "does not seem . . . to be of such uniform validity as to support the categorical prohibition which the memorandum would base upon it. Although some clubs are substantially used for the transaction of

business or for the making of business contacts, I see no grounds for assuming that this is universally so, and thus that membership in a club automatically affects promotion and advancement potential."

Another contention the Labor Department made was that since companies were involved with such clubs, they, in actuality, were controlling the admissions policies of the clubs. This point was also dismissed by the Justice Department. The point made was that such club policies were not extensions of corporate doctrines.

Even with the issue seemingly settled, there is some concern in the industry that the new cast of Democratic characters may review the question of restrictive admissions policies.

This question could take on greater significance as Georgian Griffen Bell becomes the new Attorney General. Bell was forced to resign his membership to three private Atlanta clubs, which all had restrictive admissions policies. Once again, the national spotlight focused in on the club industry, at a time it can do without that kind of publicity.

Indications are that pressure groups for both women's rights and black rights groups will be keeping a watchful eye on the Carter White House and the new Congress to make sure no one is involved with such clubs. Such activists as Georgia's Julian Bond have made it quite clear they will not stand for such practices by politicians, be they appointed or elected.

For the moment, the parting shot of the Ford Administration on the OFCC and the clubs has quieted with the changing of the White House guard, but those in the club business will be keeping a watchful eye on the nation's capital this spring.

ASSOCIATIONS

NAPGC a year older, wiser in Year II

In any new organization's formative years, not too much gets accomplished except for the group getting its collective feet on the ground.