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In a decision that will surely result in a variety of arguments against enforcement of federal laws under 4

The provision of FERPA in question, 20 U.S.C. § 1232g prohibits federal funding to schools that have "a

However, the decision is replete with broader statements.

The opinion says the "we have never before held, and decline to do so here, that spending legislation dr

But the court goes on to say the following:

"Some language in our opinions might be read to suggest that something less than an unambiguously c

"We further reject the notion that our implied right of action cases are separate and distinct from our § 19

It is difficult to decide exactly what to make of all this, but clearly the majority are tightening the reins, if t

Further, the Court does not overrule cases going back to *Maine v. Thiboutot* which allowed 1983 actions

In addition, the Court almost combines the issue of Congressional intent as to private enforcement with t

Justices Breyer and Souter concur in the result but reject the test of an unambiguous intent used by the

Justice Stevens (with Justice Ginsburg) dissents. They emphasize the issue of separation of powers, wh

Read it and weep, or, as Wobbly Joe Hill said as he faced the firing squad "Don't mourn, organize' (or a