

Court rules same-sex harassment illegal, new guidelines set up

WASHINGTON (AP) — On-the-job torment can be illegal sexual harassment even when the offender and victim are the same sex, the Supreme Court said Wednesday in a decision that could touch virtually every American workplace.

The court said same-sex harassment can violate a federal anti-discrimination law as it voted unanimously to revive a Louisiana lawsuit closely watched by the nation's employers and gay-rights groups.

In that lawsuit, a man alleged he was sexually harassed by three other men while working on a Gulf of Mexico oil rig.

Wednesday's decision provided important new guidelines for resolving sex-harassment claims, but plenty of questions remain about the legality of certain conduct in specific employment settings.

"Common sense and an appropriate sensitivity to social context will enable courts and juries to distinguish" between what is legal and illegal, Justice Antonin Scalia wrote for the court.

"We're very pleased with the commonsense standard the court adopted," said Ann Reesman, a lawyer for the Equal Employment

Advisory Council, an employers' group. "This adds some clarity."

Gay-rights advocates also praised the ruling. "Civil rights law will no longer unfairly exclude same-sex sexual harassment, and this fact will benefit all American

squarely in the mainstream of anti-discrimination law."

The term "harassment" does not appear in the text of the anti-bias law known as Title VII of the Civil Rights Act of 1964. But the Supreme Court ruled in 1986 that sexual harassment amounts to discrimination if it creates a "hostile environment" in the workplace.

In subsequent rulings, the justices said a hostile environment can come about not only by overtly sexual behavior but also by "discriminatory intimidation, ridicule and insult ... sufficiently severe or pervasive to alter the conditions of the victim's employment."

Scalia's seven-page opinion said, "We see no justification ... for a categorical rule excluding same-sex harassment claims from the coverage of Title VII." But he warned lower courts about mistaking "ordinary socializing in the workplace — such as male-on-male horseplay or intersexual flirtation — for discriminatory conditions of employment."

All circumstances must be considered, Scalia said and gave the example of a football coach smacking the fanny of a player who's heading onto the field.

"[The Ruling] once and for all places sexual harassment law squarely in the mainstream of anti-discrimination law."
Kathy Rodgers
NOW Legal Defense Fund

workers," said Elizabeth Birch of the Human Rights Campaign.

The ruling allows victims of homosexual harassment to get into federal court even though Congress never has said bias based on sexual orientation is illegal.

Kathy Rodgers of the NOW Legal Defense and Education Fund said the ruling "once and for all places sexual harassment law

Senate votes for tough national standards for drunken driving

WASHINGTON (AP) — The Senate strongly endorsed tough national standards for determining drunken driving on Wednesday, overcoming opposition from lawmakers who complained that Washington was meddling with state decisions.

"I hope that the happy hour is over for drunk drivers," said Sen. Frank Lautenberg, D-N.J., one of the chief sponsors of the measure. He predicted that the tougher standard could save more than 500 lives a year.

Sen. Mike DeWine, R-Ohio, the other chief sponsor, added: "This problem is much more than a state problem; it's a national tragedy."

Anti-drunken driving groups estimate that in 1996, more than 17,000 of the 40,000 deaths on the nation's highways resulted from alcohol-related accidents.

By a 62-32 margin, the Senate urged states to set a .08 percent blood-alcohol content as the threshold for drunken driving. Currently, 15 states have that standard while 35 states use a more lenient .10 percent.

States that do not accept the tougher standard would lose 5 percent of their federal highway

money in fiscal 2002, and 10 percent after that.

Support for the new standard crossed party lines, with 26 Republicans — including stalwart conservatives such as Sens. Jesse Helms and Lauch Faircloth of North Carolina — joining 36 Democrats.



Clinton

President Clinton, who had pressed for passage, thanked the Senate for acting and urged the House to follow suit. "It will save hundreds of lives each year," he said at the White House.

The drunken driving measure was presented as an amendment to a \$173 billion, six-year highway funding bill. Coming up was another highly contentious amendment that would seek to end a program giving 10 percent of construction contracts to women and minorities.

"The first battle for a national uniform .08 law has been won," said Judith Lee Stone, president of Advocates for Highway and Auto

Safety. "We now take the halls of the House and Senate."

In the House, the bill, Rep. Nita Lowey, will introduce a similar measure.

The national standard was generally opposed by the restaurant industry, which argued that states should be guided by their own standards rather than a federal standard.

"This is a heavy burden that says it's not right to set their own standards," said Senate Rep. Don Nickles of Oklahoma, who is encouraging this side of the issue.

But DeWine said he sense for a driver who is intoxicated in one state is another. "There should be assurance that there is a standard no matter where you drive in this country."

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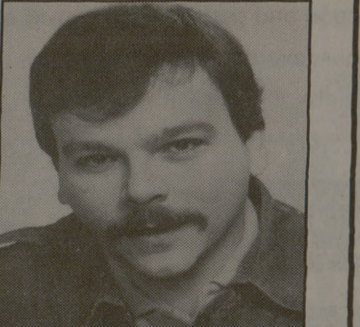
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