

Congress Pressed to Drop Exemptions on Discrimination Laws

The Associated Press

October 20, 1991, Sunday, AM cycle

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Section: Washington Dateline

Length: 678 words

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Dateline: WASHINGTON

The spotlight on sexual harassment has prompted Congress to take a look at itself and consider dropping the exemption that permits it to avoid laws against discrimination.

"That this Congress would pass a series of laws on civil rights, workers safety and yes, sexual harassment, and then exempt itself, is hypocrisy, pure and simple," said Sen. Dave Durenberger, R-Minn.

Sen. Charles Grassley, R-Iowa, is reviving the idea that Congress be covered by the laws it passes just as a new civil rights bill is reaching the Senate floor.

Like the Civil Rights Act of 1964, the bill to be taken up this week also exempts Congress. Grassley plans to offer an amendment bringing Congress under its auspices.

"How in the world can members of Congress really know and understand the burden it puts on America when it doesn't even have to live under the law itself?" Grassley asked.

His idea hasn't been popular in Congress, which has exempted itself from a long list of other laws, including the Freedom of Information Act, the Equal Employment Opportunity Act, the Social Security Act and the government ethics act.

Barring a reversal of course, employees of members of Congress have little recourse if they are victims of the type of sexual harassment that Anita Hill alleged against Supreme Court nominee Clarence Thomas.

There are House and Senate rules against discrimination, which includes sexual harassment. But if not resolved by the member, a worker can turn only to the Senate Ethics Committee or House Office of Fair Employment Practices, said Jean Dugan, chairwoman of the Capitol Hill Women's Political Caucus.

"There is no outside recourse for anyone sexually harassed," she said.

Her organization has drafted a sexual harassment policy statement and urged each House and Senate member to adopt it. The policy defines sexual harassment, cites some examples, and pledges "swift and serious attention to any complaint of sexual harassment."

The hope, Dugan said, is that adoption of the policy will prompt any member of Congress to deal forcefully with sex harassers - and that violations would be viewed more strongly by the appropriate House or Senate panel.

Thirty-four senators have adopted that policy or one similar - three since the Thomas allegations surfaced, she said. The latest to adopt the policy are Democrats Jeff Bingaman of New Mexico, Tom Daschle of South Dakota and John Kerry of Massachusetts.

Some 199 House members have signed as well.

Of the 14 members of the Senate Judiciary Committee that conducted the Thomas hearings, only three have signed the policy: Democrats Howell Heflin of Alabama, Patrick Leahy of Vermont and Paul Simon of Illinois. Chairman Joseph Biden, D-Del., has adopted it for the committee staff but not his own office staff, Dugan said.

The Senate Republican Leader, Bob Dole of Kansas, has adopted it, but the Democratic leader, George Mitchell of Maine, has not, though he has urged all Senate offices to adopt anti-harassment guidelines.

The House has seen several sex-harassment cases in recent years.

Donald E. "Buzz" Lukens, an Ohio Republican, was allowed to resign last year rather than face expulsion on two sex-related cases: a conviction of having sex with an underage girl and a later allegation of fondling a female elevator operator in the Capitol.

Two other House members were dealt with more lightly by the Ethics Committee.

In 1989, California Democrat Jim Bates received a letter of reproof, a mild punishment, after two women on his office staff filed sex harassment complaints. He lost a bid for re-election.

And the Ethics Committee concluded last year that Rep. Gus Savage, D-Ill., made improper sexual advances toward a female Peace Corps worker in Zaire, but it took no further action after Savage wrote a letter of apology. He was re-elected.

Sen. John Danforth, R-Mo., Thomas' chief sponsor, is also the chief GOP supporter of a proposed civil rights bill in the Senate. In arguing for Thomas, Danforth said the civil rights bill would be an opportunity for senators to address the seriousness of sexual harassment.