

Euless woman wins bias case in high court

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WASHINGTON — The Supreme Court, in a major civil rights decision that critics say will lead to increased use of racial quotas, today ruled in favor of a woman who said that a Fort Worth bank discriminated against her because she is black.

The Court ruled 8-0 that former bank teller Clara Watson of Euless can rely on statistics to show that the Fort Worth Bank & Trust, Now MBank East, discriminated against black workers. Watson sued the bank in 1981 after four failed attempts to gain a promotion.

Today's decision, although involving a complicated aspect of federal anti-bias law, carries a significant, direct impact on many lawsuits filed by women and members of racial minorities who say they have been treated unfairly.

Civil rights lawyers say the Supreme Court's decision will make it easier for minority employees to challenge promotion practices at businesses throughout the country.

But critics fear that some employers will adopt racial quotas to avoid lawsuits, such as Watson's, that use



Clara Watson: Decision will affect many lawsuits

statistics to show potential discrimination.

"If quotas and preferential treatment become the only cost-effective means of avoiding expensive litigation and potentially catastrophic liability, such measures will be widely adopted," the court acknowledged in an opinion authored by Justice Sandra Day O'Connor. "The prudent employer will be careful... to ensure that the quotas are

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met.”

O’Conner stressed, however, that the court does not intend for today’s ruling to encourage racial quotas in the work place.

The use of quotas, she wrote, “would be contrary to Congress’ clearly expressed intent, and it should not be the effect of our decision today.”

Although all of the justices who participated in the decision agreed with the outcome of Watson’s case, the court split into three camps on the details and the significance of the ruling.

The court’s newest member, Justice Anthony Kennedy, did not participate in the decision because he was not on the bench when lawyers argued Watson’s case in January.

Watson went to work for Fort Worth Bank & Trust in 1973. In 1976 she was promoted to a drive-in teller and in 1980 was promoted to be a commercial teller in the bank’s main lobby.

Over the course of the next year however, Watson applied unsuccessfully four times for promotions to supervisory positions in the bank.

She sued in 1981, charging racial bias. In part, her lawsuit contended that the bank discriminated against all blacks when it came to filling supervisory jobs.

Watson used statistics in an attempt to show that whites generally fared better than blacks at the Fort Worth bank. Her lawyers argued that the statistics alone proved that the bank discriminated against blacks, even if unintentionally.

But U.S. District Judge Eldon Mahon and the 5th Circuit Court of Appeals dismissed the suit, putting the burden on Watson to produce more specific evidence that she was the vic-

tim of racism.

Without commenting on the specifics of Watson’s case, the Supreme Court overturned the lower court rulings and said that statistics can be used to prove discrimination. Watson’s lawsuit now will return to federal court.

“I hear we won,” said Watson’s attorney, Art Brender of Fort Worth. “I think it’s going to be pretty significant.”

Brender said Watson, who is hospitalized with kidney problems, would have a news conference later today. Watson is seeking more than \$80,000 in back wages from the bank.

Her lawyer rejected suggestions that today’s ruling will encourage the use of racial quotas.

“All the decision does is promote good management practice,” he said. “Quotas are illegal and could subject you to reverse discrimination cases. I don’t see any desire on the part of management to institute quotas.”

Bruce McGee, the bank’s lawyer, declined comment, saying he had not yet read the court’s opinion.

In attempting to discourage the use of racial quotas, the Supreme Court emphasized that statistical evidence of discrimination does not leave the employer defenseless.

In Watson’s case, for example, the bank can attempt to show that it had legitimate business reasons for its promotion practices. The court also urged trial judges to take a hard look at the statistical evidence submitted by employees attempting to prove discrimination.

“Without attempting to catalog all the weaknesses which may be found in such evidence, we may note that typical examples include small or incomplete data sets and inadequate statistical techniques,” O’Connor wrote.
