

Court curbs lawsuit options of disabled state employees

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Body

Washington --- The Supreme **Court** marched ahead Wednesday on a course giving **state** governments more rights, ruling that **state** workers cannot use an important federal disability-rights law to win money damages for on-the-job discrimination.

The **court** also heard the cases of two foreign-born men convicted of crimes in the United **States** and set for deportation by the Immigration and Naturalization Service.

The two --- from Cambodia and Lithuania --- are being detained by the INS because their home countries will not take them back, and the INS still considers them a threat, even though they have completed their sentences. The **court** will decide whether such open-ended detention is permissible.

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The decision narrowing the reach of the Americans With Disabilities Act was the latest of a series of 5-4 rulings that have tipped the federal-**state** balance of power toward the **states**.

The disability-rights law does not trump **states**' constitutional immunity against being sued for damages in federal **courts**, the justices said. Congress did not identify a pattern of "irrational **state** discrimination" against **disabled state** workers to justify overriding that immunity, Chief Justice William Rehnquist wrote for the **court**.

Since 1995, the **court** has limited federal authority in a number of ways, striking down the Gun-Free School Zones Act and ruling that Congress cannot let rape victims sue their attackers in federal **court**. The **court** last year barred **state** workers from suing their employers in federal **court** under the federal Age Discrimination in Employment Act.

The recent series of rulings has featured the same 5-4 split among the justices as in Wednesday's decision. Joining Rehnquist were Justices Sandra Day O'Connor, Antonin Scalia, Anthony Kennedy and Clarence Thomas. Dissenting were Justices John Paul Stevens, David Souter, Ruth Bader Ginsburg and Stephen Breyer.

Writing for the four, Breyer said the **court**'s ruling "improperly invades a power that the Constitution assigns to Congress."

The ADA, enacted in 1990, is perhaps best known for requiring wheelchair ramps in buildings across the country. It bans job discrimination against the **disabled**, requiring employers to offer reasonable accommodations to **disabled** people who are otherwise qualified to perform a job.

The Constitution's 11th Amendment protects **states** from being sued against their will. Congress can override that immunity to enforce the 14th Amendment's equal-protection guarantee, but Rehnquist said Congress provided only "minimal evidence" of **state** discrimination against the **disabled**. In contrast, Rehnquist wrote, Congress found a "marked pattern" of racial discrimination by **states** when it enacted the Voting Rights Act in 1965.

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In the deportation case, the INS claims it has the right to detain about 3,000 people currently caught in a no man's land. All were convicted of serious crimes while living in the United **States**, have served their sentences and are tagged for deportation. The problem is that their home countries won't take them, or those countries no longer exist.

The cases grew out of a 1996 federal law requiring deportation of noncitizens who commit any of a wide range of felonies, including most types of drug crimes.

ON THE WEB:

Supreme **Court**: www.supremecourtus.gov

INS legal site: www.ins.gov/graphics/lawsregs/index.htm

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