

511 U.S. 244 (1994)

LANDGRAF
v.
USI FILM PRODUCTS et al.

No. 92-757.

United States Supreme Court.

Argued October 13, 1993.

Decided April 26, 1994.

CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT

245*245 246*246 Stevens, J., delivered the opinion of the Court, in which Rehnquist, C. J., and O'Connor, Souter, and Ginsburg, JJ., joined. Scalia, J., filed an opinion concurring in the judgment, in which Kennedy and Thomas, JJ., joined, *post*, p. 286. Blackmun, J., filed a dissenting opinion, *post*, p. 294.

Eric Schnapper argued the cause for petitioner. On the briefs were *Paul C. Saunders*, *Timothy B. Garrigan*, *Richard T. Seymour*, and *Sharon R. Vinick*.

Solicitor General Days argued the cause for the United States et al. as *amici curiae* urging reversal. On the brief were *Acting Solicitor General Bryson*, *Acting Assistant Attorney General Turner*, *Deputy Solicitor General Wallace*, *Robert A. Long, Jr.*, *David K. Flynn*, *Dennis J. Dimsey*, *Rebecca K. Troth*, and *Donald R. Livingston*.

247*247 *Glen D. Nager* argued the cause for respondents. On the brief was *David N. Shane*.^[1]

Justice Stevens, delivered the opinion of the Court.

The Civil Rights Act of 1991 (1991 Act or Act) creates a right to recover compensatory and punitive damages for certain violations of Title VII of the Civil Rights Act of 1964. See Rev. Stat. § 1977A(a), 42 U. S. C. § 1981a(a) (1988 ed., Supp. IV), as added by § 102 of the 1991 Act, Pub. L. 102-166, 105 Stat. 1072. The Act further provides that any party may demand a trial by jury if such damages are sought.^[1] We granted certiorari to decide whether these provisions apply to a Title VII case that was pending on appeal when the statute was enacted. We hold that they do not.

From September 4, 1984, through January 17, 1986, petitioner Barbara **Landgraf** was employed in the **USI Film 248*248 Products (USI)** plant in Tyler, Texas. She worked the 11 p.m. to 7 a.m. shift operating a machine that produced plastic bags. A fellow employee named John Williams repeatedly harassed her with inappropriate remarks and physical contact. Petitioner's complaints to her immediate supervisor brought her no relief, but when she reported the incidents to the personnel manager, he conducted an investigation, reprimanded Williams, and transferred him to another department. Four days later petitioner quit her job.

Petitioner filed a timely charge with the Equal Employment Opportunity Commission (EEOC or Commission). The Commission determined that petitioner had likely been the victim of sexual harassment creating a hostile work environment in violation of Title VII of the Civil Rights Act of 1964, 42 U. S. C. § 2000e *et seq.*, but concluded that her employer had adequately remedied the violation. Accordingly, the