

BOB DOLE  
KANSAS

# United States Senate

OFFICE OF THE REPUBLICAN LEADER

WASHINGTON, DC 20510-7020

Coelho

when →

clerked together

met him in 1989

need Gingrich

designate someone →

Steve Bartlett

(now Mayor of Dallas)

also, Steve Gunderson

Coelho appreciated Gingrich's  
help

Kept it from becoming his petition

Bush got credit

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- Medici

crush

strategy

make sure not goy back  
on original disson  
must take it on if  
you are - not a Threat

---

G: do not plan to make  
position issue  
my commitment stands  
any on ADA will be  
bipartisan  
dc will be involved

3

BOB DOLE  
KANSAS

# United States Senate

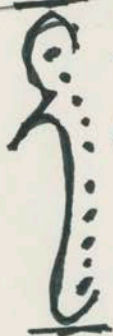
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WASHINGTON, DC 20510-7020

G: Sometimes intent of bill  
lost in rep

→ needs periodic review

C: delay to pass along?



Delay really happens  
on ARA?

2/2 - 492-  
6505

MEMORANDUM

Date: December 28, 1994  
To: Senator Dole  
From: Alec Vachon  
Re: ADA ANXIETY AND ADVICE TO DISABILITY GROUPS; CONVERSATION WITH TONY COELHO

GETTING THE DISABILITY GROUPS FOCUSED

- \* As you know, disability groups are anxious about possible "attacks" on ADA--prompted in part by comments by several Republican members--e.g., Gingrich, Lott--responding to media questions. Frankly, Lott and Gingrich's remarks seemed innocuous, but this concern has been whipped up by "Dear Friend" letters from disability groups. EXAMPLE BY ALAN REICH ENCLOSED.
- \* However, there are some objective reasons for concern. In a CNN/USA/GALLUP POLL released on December 2nd, 43% favored repealing some aspects of ADA, with 41% opposed. FULL POLL RESULTS ATTACHED.
- \* I suggest the following actions to disability groups:
  1. DO YOUR HOMEWORK.
    - \* A key anxiety is about unfunded mandates legislation. As I will describe in another memo on unfunded mandate legislation, both the Kempthorne bill and the Contract with America contain specific exemptions for any bill or regulation that "establishes or enforces any statutory rights that prohibit discrimination on the basis of . . . handicapped or disability status."
    - \* Remarkably, disability lobbyists I have not even read the bills. Marca Bristo came in.
  2. UNDERSTAND HOW THIS ISSUE IS MEDIA DRIVEN
  3. THINK CREATIVELY ABOUT YOUR MESSAGE AND STRATEGY
    - DISCUSS ADA AS A WIN-WIN FOR BOTH PEOPLE WITH DISABILITIES AND STATE AND LOCAL GOVERNMENTS.
    - As ADA and section 504.
    - JOIN FORCES WITH TRADITIONAL REPUBLICAN CONTITUENCIES. Veterans.
  4. SENATOR DOLE CANNOT CARRY ALL THE WATER--REACH OUT TO REPUBLICANS--AND DEMOCRATS AS WELL



--Despite your strong support, this office cannot do all the work.

--I ask "Do you know who Senator Daschle disability person is, or Senator Lott, or Congressman Gingrich?" The answer has been invariably "no."

--Further, many members don't know a lot about disability. Labor Committee staff.

##### 5. SUPPORT SENATOR DOLE'S INITIATIVES

Not a one-way street.

##### CONVERSATION WITH TONY COELHO

- \* I heard a rumor that Tony had spoken with Gingrich about ADA--and called Tony. He in fact had spoken with Gingrich recently about ADA. They entered Congress together in 1979 and have a longstanding relationship. Coelho reported his conversation w/Gingrich went like this:

--Coelho reminded Newt that in 1989 he came to him and asked him to designate Republican members to work on ADA. Newt designated Cong. Steve Bartlett (now Mayor of Dallas) and Cong. Steve Gunderson. Coelho appreciated Gingrich's help then, which kept ADA from becoming partisan (and Bush got a lot of credit).

--Coelho was calling to make sure Newt was not going back on their original discussion--not as a threat, but Coelho would have to take this issue on if he were.

--Newt replied that his commitment still stood--that any action on ADA--hearings or whatever--would be bipartisan, and that the disability community would be involved. Newt felt that sometimes the intent of a bill was lost in the regulations or enforcement, and at the very least needed periodic review. Coelho asked Newt if it was okay to pass on the substance of their conversation, and Newt said, "yes."

- \* Coelho has heard that Rep. Tom DeLay (R-Texas), incoming House majority whip, is very negative about ADA. Incidentally, DeLay announced on December 14th formation of Project Relief, a coalition to advocate reform of the government regulatory process. Project Relief's chairman is Bruce Gates, vice president of the National American Wholesale Grocers' Association.



## NATIONAL ORGANIZATION ON DISABILITY

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910 Sixteenth Street, NW, Washington, DC 20006

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Former Governor of Pennsylvania

Counselor, Dunaway & Cross

### W. Reid Thompson

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Potomac Electric Power Company

### Jack Valenti

President and CEO

Motion Picture Association

of America, Inc.

### Reverend Harold Wilke

Director, The Healing Community

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Rep. Major R. Owens, NY

Rep. John E. Porter, IL

Rep. Al Swift, WA

Rep. Henry Waxman, CA

December 22, 1994

Dear N.O.D. Community Partner:

We need your help! You and I -- and America's 49 million men, women and children with disabilities -- are suddenly facing a crisis that can undermine the gains we've worked so hard for over the past two decades.

The ADA is being threatened! The recent unfavorable press coverage about the ADA, along with proposals to change this landmark legislation, can slow down the momentum towards full participation of people with disabilities in your community and nationwide.

Here's how you can help now!

Please tell us how the ADA has been helpful to you, to anyone you know or to your community, business or organization. Use the enclosed form. We would like to be able to use community and personal examples to illustrate the benefits of the ADA.

Please mail or fax your comments to us by January 8, 1995.

Thank you for your support and prompt response. Together we can ensure that the implementation of the ADA will continue to gather momentum and that all people with disabilities will have the opportunity to fully participate in and contribute to America just like everyone else.

Sincerely,



Jim Brady  
Vice Chairman



Alan A. Reich  
President



December, 1994

TO: Jim Brady                      Alan A. Reich  
Vice Chairman              President  
National Organization on Disability  
910 16th Street, N.W.  
Washington, D.C. 20006

RE: ADA SURVEY - N.O.D. COMMUNITY PARTNERS

I am pleased to provide you with the following information about the impact of the 1990 Americans with Disabilities Act (ADA) on our community.

Do you believe passage of the ADA was a positive or negative step for your community and the country?

☐ Positive              ☐ Negative

What is important about the ADA that others should know?  
(Please explain - use reverse side of paper if needed)

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Has the ADA influenced your life and /or the lives of people you know in any way?

☐ Yes              ☐ No

If yes, in what way? (Please explain - use reverse side of paper, if needed).

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Are you a person with a disability? (Optional) ☐ Yes    ☐ No

Name(s) \_\_\_\_\_  
Title \_\_\_\_\_  
Company \_\_\_\_\_  
Address \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_  
Phone ( ) \_\_\_\_\_  
Fax ( ) \_\_\_\_\_

PLEASE RESPOND BEFORE JANUARY 8, 1995....BY FAX (202) 293-7999 OR BY MAIL TO THE ADDRESS LISTED ABOVE.

[MEMO NOTES; December 27, 1994]

MEMO #1

ADVICE TO DISABILITY GROUPS

AS YOU KNOW, THERE HAS BEEN A NUMBER OF COMMENTS IN THE PRESS, GINGRICH, LOTT. THIS IS MEDIA DRIVEN--LOT OF NEGATIVE PUBLICITY. SENATOR WALLOP RECENTLY WEIGHED IN AP WIRE (COPY ATTACHED). WALLOP VOTED FOR ADA.

OTHER REASONS FOR CONCERN. GALLUP POLL.

ADVICE TO DISABILITY GROUPS

1. CANNOT DEPEND ON ANY SINGLE MEMBER TO CARRY WATER--IMPORTANT TO REACH OUT TO REPUBLICAN MEMBERS--AND DEMOCRATIC MEMBERS

ALTHOUGH TRADITIONALLY BIPARTISAN, UNDERSTAND MORE PARTISAN THIS SESSION.

QUESTION: WHO IS DASCHLE'S DISABILITY PERSON?

2. PROACTIVE WITH TRADITIONAL REPUBLICAN CONSTITUENCIES
3. SUPPORT YOU

PREDICTIONS

THE DISABILITY ISSUE. SEVERAL REASONS. FIRST, SEEN AS DEMOCRATIC INTEREST GROUP. SECOND, CURRENT COST: MORE THAN THE DEFENSE BUDGET, MORE THAN THE DEFICIT.

WORTHY VS UNWORTHY RECIPIENTS OF GOVERNMENT AID.

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MEMO #2

ADA UPDATE: JANUARY 26, 1994 IMPORTANT DATE

IMPORTANT ADA APPROACHING, JANUARY 26TH--MUST BE IN COMPLIANCE.

VARIOUS AP WIRE STORIES ATTACHED.



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**THE HOTLINE**  
December 2, 1994

**SECTION: POLL UPDATE**

**HEADLINE: CNN/USA/GALLUP: LITTLE OPPOSITION TO MOST OF GOP CONTRACT**

**BODY:**

1,020 adults surveyed 11/28-29; margin of error +/- 3% (CNN release, 12/1).

REPUBLIC PARTY	NOW	12/93	12/92	DEM PARTY	NOW	12/93	12/92
Favorable	70%	72%	61%	Favorable	55%	68%	72%
Unfavorable	28	24	35	Unfavorable	44	29	23

**NOW THAT GOP CONTROLS CONGRESS, THE COUNTRY WILL BE ...**

Better off	43%
Worse off	18
No difference	35

DO A BETTER JOB?	GOP	DEMS	DO A BETTER JOB?	GOP	DEMS
Defense	62%	28%	Federal deficit	52%	31%
Foreign affairs	57	29	Crime	52	29
Taxes	57	30	Unemployment	48	41
Welfare reform	55	35	Environment	36	50
Economy	54	33	Health care	46	41

**CONTRACT WITH AMERICA**

HAVE YOU HEARD OF IT?		(AMONG THE 34% WHO HEARD OF IT)	
Yes	34%	Favor	56%
No	65	Oppose	23

PROPOSALS IN THE CONTRACT	FAVOR	OPPOSE
Tougher anti-crime leg.	88%	10%
Balanced budget amendment	85	13
Tax cut for most Americans	83	15
Leg. to limit welfare payments	79	18
Line-item veto for pres.	77	19
Term limit amendment for Congress	73	24
Tort reform	58	27
Cut in capital gains tax rate	58	30
Increase in defense spending	42	55
Leg. preventing U.S. troops from serving under U.N. command	41	51

OTHER GOP PROPOSALS	FAVOR	OPPOSE
Make it more difficult to get abortion	44	53
Const. amendment to allow voluntary prayer in public schools	73	25
Repealing some aspects of Americans with Disability Act	43	41
Reducing foreign aid	71	27
Abortion gag rule at federally-funded clinics	38	59





## NATIONAL COUNCIL ON DISABILITY

*An independent federal agency working with the President and the Congress to increase the inclusion, independence, and empowerment of all Americans with disabilities.*

December 12, 1994

### THE NATIONAL COUNCIL ON DISABILITY NEEDS YOUR HELP

Dear Friends:

I am writing today to invite you to participate in a project of great national significance — the National Council on Disability's (NCD) *ADA Watch Phase II*. NCD believes the time has come to better understand and articulate how the Americans with Disabilities Act (ADA) is making a positive difference in the lives of 49 million Americans with disabilities, their families, and friends. We need your help.

NCD has congressional authority and responsibility to monitor ADA's implementation. In 1991, NCD established *ADA Watch* and in 1993, NCD presented its findings on the first phase of *ADA Watch* to the President and the Congress. In preparation for *ADA Watch Phase II*, NCD invited policymakers and advocates to Washington, D.C., earlier this year, to participate in a national summit on what will be required to achieve full implementation of the ADA throughout America. These efforts were continued in Seattle, Washington, last summer, when NCD conducted an *ADA Watch Roundtable*, to find out about one particular community's efforts in this area.

As we prepare for the Fifth Anniversary of the ADA, NCD would like to hear your personal stories as to the law's impact on your life. We are particularly interested in hearing about varying types of successes and the methods you used to achieve those successes. These stories could be about your own personal experiences, those of your employer, or something related to changes in the community.

NCD is committed to the Administration's goals of inclusion, independence, and empowerment, and your stories will assist us in our role as advisor to the President and Congress on the implementation of the ADA. The 104th Congress is comprised of many new legislators who were not present in 1990 to hear your discrimination diaries and talk with you during the months preceding the passage of the ADA.

Please take the time to send your success stories to us at the address listed below. Your input is essential as we continue to shape disability policy.

Thank you for taking the time to respond. I look forward to hearing from you.

Sincerely,

Marca Bristo, Chairperson

**National Council on Disability**  
**1331 F Street, NW, Suite 1050**  
**Washington, DC 20004**

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Mr. R. Alexander Vachon  
Exec. Director  
Nat'l Disab. Policy Center  
2100 Conn. Avenue, NW, #208  
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Rep. John E. Porter, IL  
Rep. Al Swift, WA  
Rep. Henry Waxman, CA

December 22, 1994

Dear N.O.D. Community Partner:

We need your help! You and I -- and America's 49 million men, women and children with disabilities -- are suddenly facing a crisis that can undermine the gains we've worked so hard for over the past two decades.

The ADA is being threatened! The recent unfavorable press coverage about the ADA, along with proposals to change this landmark legislation, can slow down the momentum towards full participation of people with disabilities in your community and nationwide.

Here's how you can help now!

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Please mail or fax your comments to us by January 8, 1995.

Thank you for your support and prompt response. Together we can ensure that the implementation of the ADA will continue to gather momentum and that all people with disabilities will have the opportunity to fully participate in and contribute to America just like everyone else.

Sincerely,

Jim Brady  
Vice Chairman

Alan A. Reich  
President



December, 1994

TO: Jim Brady                      Alan A. Reich  
Vice Chairman              President  
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☐ Positive              ☐ Negative

What is important about the ADA that others should know?  
(Please explain - use reverse side of paper if needed)

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Has the ADA influenced your life and /or the lives of people you know in any way?

☐ Yes              ☐ No

If yes, in what way? (Please explain - use reverse side of paper, if needed).

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Are you a person with a disability? (Optional) ☐ Yes    ☐ No

Name(s) \_\_\_\_\_  
Title \_\_\_\_\_  
Company \_\_\_\_\_  
Address \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_  
Phone ( ) \_\_\_\_\_  
Fax ( ) \_\_\_\_\_

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Rep. Major R. Owens, NY

Rep. John E. Porter, IL

Rep. Al Swift, WA

Rep. Henry Waxman, CA

*Dec 22, 1994*

*Dear Alexander:*

*FYI - Enclosed is the letter  
and ADA survey that  
we just sent to 1000 of our  
NOD Community Partners.*

*Alan*

**NOD**

**NATIONAL ORGANIZATION ON DISABILITY**

910 Sixteenth Street, NW, Washington, DC 20006-2988

This document is from the collections at the Dole Archives, University of Kansas  
<http://dolearchives.ku.edu>



Mr Alexander Vachon Ph.D.  
Office of Honorable Robert J Dole  
U. S. Senate  
Rm 141, Hart Bldg.  
Washington DC.

20510 - 0501





**Nancy H. Eddy**  
**24 Drakewood Lane**  
**Novato, CA 94947**  
**(415) 897-3402**

December 22, 1994

The Honorable Robert Dole  
U.S. Senate  
Senate Office Building  
Washington, DC 20510

Dear Senator Dole,

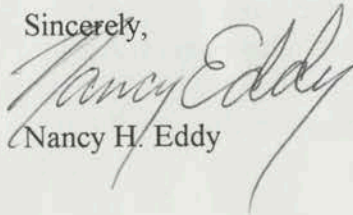
It has come to our attention that the first weeks of the 104th Congress are critical to the basic civil rights of people with disabilities. It is our understanding that you are going to push for a vote on unfunded mandates the first week of January. As a parent with a child who is disabled, I am particularly concerned that the Individuals with Disabilities Education Act is being targeted as an unfunded mandate. While IDEA has never been funded to the level initially promised in the legislation, education for all students is underfunded by the federal government.

IDEA has made a tremendous difference to my family. My daughter, Christy, is profoundly deaf and unable to function in a regular classroom on her own. She does receive an education through the Marin County Office of Education special classes. Since she was 15 months old, she has been a part of the low incident programs of MCOE and has learned sign language as her primary mode of communication. It is possible, now that she is 8 years old, to be included in some regular education classroom activity with a sign language interpreter. Before IDEA, Christy may have been placed in a 'deaf school' away from home or received no education at all.

Study after study shows that, with appropriate educational services, children with disabilities are able to become productive, tax-paying members of our communities. I expect nothing less from my daughter. Parents and people with disabilities have fought and advocated for educational programs for many years, and will continue to do so.

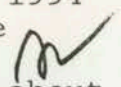
If IDEA is made an optional program, few students will receive the services they need to become productive members of their communities. I urge you to protect the civil right of children and youth with disabilities by ensuring their access to educational services as provided through IDEA.

Sincerely,

  
Nancy H. Eddy



MEMORANDUM

Date: December 7, 1994  
To: Senator Dole  
From: Alec Vachon   
Re: Lott Speaks about ADA

- \* According to an article in yesterday's NEWSDAY, Lott was asked about ADA at a small luncheon for reporters, and said: "Based on what we learned [since passing it], I think we ought to look at that. I'm not proposing to gut it. I'm just saying there are some things in there that have proven to be unnecessarily extensive and mandates that really don't help anybody." COMPLETE ARTICLE ATTACHED.
- \* Since the November elections--further prompted by Gingrich's ADA remarks on the Brinkley Show on November 13--disability groups are moving to broaden their support to better include Republicans--giving new meaning to the term "inclusion." For example, the Consortium of Citizens with Disabilities (CCD)--the loose association of 130 disability lobbying groups--which once seemed a mouthpiece for the Democratic National Committee (e.g., supported the Clinton health care reform bill even before they saw it)--acknowledged last Tuesday at a strategy meeting held in the wake of the elections that this partisanship has been a mistake.
- \* Another positive effect of the elections: Disability groups are taking a hard, overdue look at how they do business, who they serve, and what their priorities should be.



NEWSDAY, DECEMBER 6, 1994, TUESDAY, NASSAU AND SUFFOLK EDITION  
SECTION: NEWS; Pg. A07

HEADLINE: BUSH-ERA BILLS TO GET GOP SCRUTINY  
BYLINE: By Susan Page, Washington Bureau

Washington - Beyond their ambitious agenda of new legislation, the incoming Republican majorities in Congress may also revisit and weaken provisions of major bills enacted under President George Bush, including the Americans with Disabilities Act and the Clean Air Act, a Senate Republican leader said yesterday.

At a luncheon with a small group of reporters, Senate Republican whip-elect Trent Lott of Mississippi said "people in the real world" have complained that some of the legislation - which Bush has hailed as among the major accomplishments of his presidency - places onerous burdens on business.

Lott, a former House whip with close ties to House Speaker-elect Newt Gingrich of Georgia, was elected Friday to the No. 2 leadership spot in the Senate.

"Based on what we learned [since passing it], I think we ought to look at that," Lott said when asked about modifying the 1990 Americans with Disabilities Act. "I'm not proposing to gut it. I'm just saying there are some things in there that have proven to be unnecessarily extensive and mandates that really don't help anybody."

He said the owner of several Kentucky Fried Chicken outlets in Mississippi had given him examples of modifications they were forced to make "that were very expensive that did very little or nothing to really improve" anyone's life.

The Clean Air Act of 1990 might also be addressed, although perhaps "in an oversight way" that wouldn't involve passing new legislation, he said. And he acknowledged some business leaders would like to see changes in the Civil Rights Act of 1991, which made it easier for workers to sue in job-discrimination cases.

Lott's comments opened a major new area for action by the 104th Congress, the first to be controlled by Republicans in the 40 years. The GOP has pledged to reduce the federal regulatory burden on businesses. But modifying the landmark measures already in effect would surely stir a huge battle with Democrats, advocates for the disabled, environmentalists and others.

The Mississippi senator made it clear other items on the Republican congressional agenda, including a constitutional amendment to balance the budget, would come first.

As for Bush's reaction, spokesman Jim McGrath said the former president was traveling in Taiwan and couldn't be reached for comment.

But when he signed the Clean Air Act, Bush had hailed it as "simply the most significant air pollution legislation in our nation's history."



2 questions:  
- Final reg  
- Reg annual  
93-24.

## CONTACTS ON ADA REGULATIONS (12/15/94)

### ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

James Raggio, Office of the General Counsel, Architectural and Transportation Barriers Compliance Board, 1111-18th Street, NW., Suite 501, Washington, DC 20036. Telephone (202) 653-7834 (Voice/TDD).

### EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

#### ALL REGULATIONS:

*Julia Austin*  
*Claive Gargden*  
~~Irene L. Hill~~, Assistant Legal Counsel for Coordination, Office of the Legal Counsel, Equal Employment Opportunity Commission, 1801 L Street NW., Washington, DC 20507; telephone (202) 663-4689.

#### ADA:

*{* Elizabeth M. Thornton, Deputy Legal Counsel, (202) 663-4638 (voice), (202) 663-7026 (TDD).  
*Rosy M. Williams*

### FEDERAL COMMUNICATIONS COMMISSION

#### ALL REGULATIONS:

Tom Sullivan, Office of Managing Director, (202) 632-0923.

#### ADA:

Linda Dubroof, Domestic Services Branch, Domestic Facilities Division, Common Carrier Bureau, (202) 634-1808.

Abraham A. Leib, Chief, Domestic Services Branch, Common Carrier Bureau, (202) 634-1816.

### JUSTICE

#### ALL REGULATIONS:

Brian D. Miller, Office of Policy Development, Department of Justice, Room 4509, 10th and Constitution Avenue, N.W., Washington, DC 20530 (202) 514-3123.

#### ADA TITLE II:

John Wodatch, Office on the Americans with Disabilities Act, Civil Rights Division, U.S. Department of Justice.

#### ADA TITLE III:

Stewart B. Oneglia, Chief, Coordination & Review Section, U.S. Department of Justice, P.O. Box 66118, Washington, DC 20035-6118, (202) 307-2222 (Voice), (202) 307-2678 (TDD).

### TRANSPORTATION

#### ALL REGULATIONS:

Neil R. Eisner, Assistant General Counsel for Regulation and Enforcement, Department of Transportation, 400 7th Street SW., Washington, DC 20590, (202) 366-4723.

ADA:

Office of the Secretary: Robert C. Ashby, Deputy Assistant General Counsel for Regulation and Enforcement, Department of Transportation, 400 Seventh St., SW., room 10424, Washington, DC 20590. Telephone 202-366-9306 (voice); 202-755-7687 (TDD). UMTA: Susan E. Schruth, Office of the Chief Counsel, UMTA, DOT, 400 Seventh St., SW., Room 9316, Washington, DC 20590, 202-366-4011.





**Dolores Maldonado Barrows**  
Founder

**Paul D. Hagle**  
Executive Director

**Board of Directors**

**Dolores Maldonado Barrows**  
Affirmative Action Officer/ADA Coordinator  
City of Long Beach, CA

**Sandra Chapek**  
Director of Employee Relations  
City of Montebello, CA

**Paul D. Hagle**  
Executive Director, AADAC  
Long Beach, CA

**Barbara Judy**  
Director, Job Accommodation Network (JAN)  
Director, ADA/504 Compliance, W. VA University

**Allan Leno**  
Vice President, Zenith Insurance Company  
Woodland Hills, CA

**Michael Mankin, AIA**  
Division of the State Architect  
Sacramento, CA

**Linh A. Pham**  
Director, Association of ADA Professionals  
Long Beach, CA

**Donald A. Rae**  
Director of Personnel  
City of Lancaster, CA



**Paul D. Hagle**  
Executive Director  
Member, Board of Directors

One World Trade Center, Suite 800  
Long Beach, CA 90831-0800

800-722-4-ADA (800-722-4232)  
Fax 800-9-FAX-ADA (800-932-9232)

February 8, 1995

The Hon. Bob Dole  
U.S. Senate  
Washington, D.C. 20510

Attention ADA Coordinator:

The Americans with Disabilities Act of 1990 (ADA) requires each and every public sector entity to have an ADA coordinator.

Please take a moment to review the enclosed announcement for the Association of ADA Coordinators' (**AADAC**) upcoming spring 1995 conferences and regional workshops. It can be of significant help to you as the ADA Coordinator in your office.

**AADAC** is a non-profit, national association comprised of ADA coordinators, ADA/Section 504 compliance officers and other officials who have the responsibility to implement the ADA in its respective public or private sector entity.

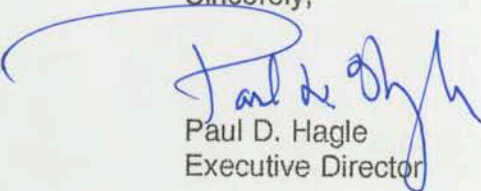
**AADAC** knows you face many of the same ADA implementation compliance situations that other ADA Coordinators in the public sector experience every day. Participants at past **AADAC** conferences (nine to date) find practical and common sense solutions to ADA questions besides being able to network with others who can help with solving ADA compliance solutions after the conferences.

If you and your office seeks to understand the force of this major civil rights law and/or learn more about how to interpret its implementing regulations, the **AADAC** conferences and workshops are considered the best available resource by past **AADAC** conference participants. The information you obtain is not only helpful for your office's own ADA compliance efforts, but can provide ideas on how to improve ADA implementation for both the public and private sectors.

Another benefit to you for attending one of these **AADAC** conferences or workshops is it provides a cost-effective method to talk and listen to your own constituents who must implement the ADA.

If you wish to obtain further information, please contact me directly at (310) 373-2707.

Sincerely,

  
Paul D. Hagle  
Executive Director

PDH:lap

Enclosure

One World Trade Center  
Suite 800  
Long Beach, CA 90831-0800  
Voice/Relay 800-722-4-ADA  
Fax 800-9-FAX-ADA





Professionals Making the  
Americans with Disabilities Act Work

**Dolores Maldonado Barrows**  
Founder

**Paul D. Hagle**  
Executive Director

#### Board of Directors

Dolores Maldonado Barrows  
Affirmative Action Officer/ADA Coordinator  
City of Long Beach, CA

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Paul D. Hagle  
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Sacramento, CA

Linh A. Pham  
Director, Association of ADA Professionals  
Long Beach, CA

Donald A. Rae  
Director of Personnel  
City of Lancaster, CA

January 16, 1995

Dear AADAC Members, ADA Coordinators, and ADA/504 Compliance Officers:

January 1995 is important for **two** reasons -- the required implementation of ADA transition plans by the January 26, 1995 deadline, and, the **Association of ADA Coordinators' (AADAC)** second anniversary on January 27.

In celebration of our second anniversary, **AADAC** is proud to announce its **Spring 1995 Events Calendar**. The events, valuable to any person associated with ADA compliance issues, are described herein.

#### SPRING 1995 AADAC CONFERENCES & OPTIONAL PRE-CONFERENCE WORKSHOPS

San Diego, CA -- March 29 - 31, 1995

Atlanta, GA -- April 19 - 21, 1995

#### REGIONAL WORKSHOPS

Long Beach, CA -- February 23 and 24, 1995

Cincinnati, OH -- May 2 and 3, 1995

New Orleans, LA -- May 4 and 5, 1995

The conferences (page 2), provide opportunities to speak directly with ADA policy makers, regulators, experts, and fellow coordinators. Valuable networking opportunities put you in contact with those who can assist you with ADA compliance.

The optional pre-conference (page 4) and regional (page 7) workshops provide in-depth technical assistance on major ADA topics. These workshop topics were chosen by **AADAC** members, participants at **AADAC** conferences, and on **AADAC** surveys as the most important for ADA coordinators to learn more about.

#### CRC/CIRS/CCM CONTINUING EDUCATION CREDITS ARE AVAILABLE.

Each participant is responsible for individual hotel and transportation reservations. Please see information contained herein on lodging, and indicate on the registration form any accommodations needed for the conferences or workshops training.

Please **FAX** attendee(s) registration form(s) to (800) 932-9232 as soon as possible. Space is limited -- particularly for the regional and optional pre-conference workshops. Please register early to avoid being turned away.

A copy of the FAXED registration form(s) **with fee(s)** must be received **at least five working days prior** to the specific conference, pre-conference workshop, and/or regional workshop you are attending.

Sincerely,

A handwritten signature in dark ink that reads "Dolores Barrows".

Dolores Maldonado Barrows  
Affirmative Action Officer/ADA Coordinator, City of Long Beach, CA  
President, Association of ADA Coordinators

One World Trade Center  
Suite 800  
Long Beach, CA 90831-0800  
Voice/Relay 800-722-4-ADA  
Fax 800-9-FAX-ADA







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Brief biographies of presenters for the Spring Conferences and workshops.

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### **Keynote Speakers**

#### **Christopher G. Bell**

Mr. Bell specializes in ADA, Disability Management and Cost Containment issues. His objective is to avoid costly expense of employment-related complaints. His law firm represents employers.

#### **Ellen J. Vargyas**

Ms. Vargyas has overall management responsibility for the Office of Legal Counsel. Her career has pursued a career devoted to the practice of law in the public interest. She is an author and a frequent speaker on discrimination issues.

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#### **Dolores Maldonado Barrows**

Ms. Barrows is the City of Long Beach's ADA Coordinator as well as its Affirmative Action Officer. She is responsible for both ADA Titles I and II, and, developed the City's transition plan. She is the Founder of AADAC.

#### **Bradley L. Baxter**

Mr. Baxter is the ADA Coordinator who is responsible for fund raising and grant writing for the City of Salt Lake City's ADA compliance program. He also serves as the city's advisor on ADA public facility accessibility issues. He serves as liaison with state government on ADA issues.

#### **Janet L. Blizard**

Ms. Blizard was a member of the DOJ group that developed the regulations implementing ADA Titles II and III. She is currently working on ADA enforcement issues with particular emphasis on the certification of State and local building codes.

#### **Sandra Chapek**

Ms. Chapek has held her position for over eight years with the City of Montebello, CA. She has been at the forefront of developing innovative programs for the city. As the ADA Coordinator, she is responsible for implementation of both Title I and II.

#### **Owen J. Cooks**

Mr. Cooks' primary responsibility is the development of the ADA Physical Facilities compliance program. He has also participated in the development of all the university's efforts as a member of the ADA Steering Committee. He received his degree from Purdue. Mr. Cooks has his own ADA design firm to assist others in compliance.

#### **Paul D. Hagle**

Mr. Hagle became associated with the ADA in 1990. He is the Co-Founder of the Association of ADA Coordinators. In addition to being the AADAC Executive Director, he is President of the Association of ADA Professionals, consultants to management. He is nationally recognized for innovative ADA technical and attitude workshops and seminars.

#### **Barbara Judy**

Ms. Judy has lead the Job Accommodation Network (JAN) since 1985. She is an international authority on reasonable accommodation. She is the ADA/504 Compliance Officer for W. VA. University. She works with the President's Committee on Employment of Persons with Disabilities.

#### **Larry Lee**

Mr. Lee has significant experience working with people with disabilities. He is a rehabilitation counselor and has a strong background in management. He is a senior facilitator for both WINDMILLS programs.

#### **Allan Leno**

Mr. Leno is responsible for developing programs to enhance the efficiency and effectiveness of worker's compensation claims. Mr. Leno has a practical understanding of the ADA and its impact on workers' compensation issues for both the public and private sectors.

#### **Joan A. Magagna**

Ms. Magagna has been an attorney with the DOJ Civil Rights Division since 1976. She has handled a wide range of cases at both the trial and appellate levels including fair housing and equal employment opportunity.

#### **Peggy R. Mastroianni**

Ms. Mastroianni, prior to her present position, served as Attorney Advisor to the EEOC Chair, as Special Assistant to the EEOC General Counsel, and as an appellate attorney prosecuting discrimination cases under Title VII and other acts.

#### **Lyn McDermott**

Ms. McDermott has worked with the ADA since early 1990. Prior to joining the EEOC's ADA Services Policy Division, she was an attorney in EEOC's Office of Federal Operations.

#### **John N. McGovern**

Mr. McGovern is the chief administrator for leisure services of this cooperative of 12 suburban Chicago units of local government. He is an attorney and an author. In 1992, he published "ADA Compliance Handbook for Parks and Recreation" for the National Parks and Recreation Association.

#### **Kathy Mullarky**

Ms. Mullarky has trained over 2500 staff, grantees and other government entities in the principles of the ADA. She has provided focused ADA training for managers and supervisors.

#### **Paula Rubin**

Ms. Rubin, an attorney, is a nationally known expert on the ADA and its impact on the criminal justice system. She is currently a Visiting Fellow for the National Institute Justice (NIJ). She researches, develops, and delivers training to criminal justice professionals throughout the U.S.

#### **John Salmen**

Mr. Salmen is a nationally recognized authority on ADA accessibility issues. For 10 years, he was involved on the committee writing ANSI A117, the basis for ADA accessibility standards. He was chairman of the editorial committee for the new 1992 ANSI standard. Also, he has significant experience with program access issues.

#### **Garnett K. Tatum**

Mr. Tatum developed and administered affirmative action programs in institutions of higher education, in the corporate structure, and with federal, state, county and city governments. He is also responsible for recruitment for faculty and professional exempt staff. He is chair of the university's Program Accessibility Committee.

#### **Richard T. Unitan**

Mr. Unitan is a well-known, authoritative workers' compensation attorney and medical group administrator. He has also been a Workers' Compensation Appeals Board Judge Pro Tempore. He has presented practical courses to medical providers and their staffs, and, insurance claims adjusters.

#### **Victoria Westerskov**

Ms. Westerskov has been associated with the disability community for many years as a job placement specialist. She is currently associated with the federal regional occupational program. She is a senior facilitator for both WINDMILLS programs.

#### **Sue Williams**

Ms. Williams became the ADA Coordinator in 1992. She created new programs and has won international recognition for her work in reducing barriers for students, staffs, and faculty members who have disabilities. She authored and published the university's comprehensive "Faculty Guide for Teaching Students with Disabilities".



## Spring 1995 AADAC Pre-Conference and Conference Information

### Pre-Conference Workshops (Optional)

**March 29, 1995 - 8:30 am - 4:30 pm**  
**San Diego Marriott in Mission Valley**

**April 19, 1995 - 8:30 am - 4:30 pm**  
**Atlanta Marriott at Perimeter Center**

These workshops are held the **day before** each Conference.  
Lunch is included.

#### **How to Develop Answers to Your ADA Employment Questions**

This workshop explores how to make **employment** determinations using the Title I Technical Assistance Manual (TAM 1) and other EEOC guidances. The workshop shows processes that allow participants to return to their communities with a responsible way to resolve ADA employment issues. You will learn how to find the answers to questions that always seem to allude you. This is a "**must**" workshop for new ADA Coordinators as well as those who wish to review ADA concepts and be current with the latest EEOC guidances.

**Barbara Judy**, Director, Job Accommodation Network (JAN)  
**Allan Leno**, Vice President, Zenith Insurance  
**Paul D. Hagle**, Executive Director, AADAC

#### **The ADA and Attitudes - Closing the Gap**

The ADA and attitudes are examined with a tie-in to diversity and customer service issues. An explanation of **WINDMILLS** with several modules presented is included. The City of Long Beach and other cities have successfully utilized this workshop to train over 1,800 of its managers, supervisors, and non-supervisory employees. The workshop is presented in a train-the-trainer format. Included are steps for how participant's can organize, develop and implement an ADA attitudinal program in their organization.

**Larry Lee & Victoria Westerskov**  
Senior Facilitators  
Association of ADA Professionals

#### **Questions the Title II Technical Assistance Manual (TAM 2) Does Not Answer**

This workshop shows participants a process for making ADA Title II **Program Accessibility** determinations. This includes a step-by-step presentation of the process that allows participants to return to their communities with a responsible way of making program accessibility decisions. The process is illustrated with case examples and uses the presenter's current and past experience with Section 504 as well as his work with colleges and universities. Also presented are answers to some questions that the TAM 2 misses. Participants are encouraged to ask questions pertinent to their own efforts including the transition plan and implementation. Ample time for in depth discussions is scheduled.

**John Salmen**, President  
Universal Designers & Consultants, Inc.

#### **Separate registration and fee required for each optional pre-conference workshop**

**AADAC Members: \$225.00**

**Non-Members: \$275.00**

### Conference Information

#### **San Diego, CA - March 30 - 31, 1995**

San Diego Marriott Hotel in Mission Valley  
8757 Rio San Diego Drive  
San Diego, CA 92108-9607  
(800) 842-5329 - (619) 692-3800

Ask for the Association of ADA Coordinators Conference Block  
Rates -- \$85.00 (plus taxes) for single/double room  
if reservations made by March 8, 1995

Hotel located minutes from airport  
*Super Shuttle* available to hotel

#### **Atlanta, GA - April 20 - 21, 1995**

Atlanta Marriott Perimeter Center Hotel  
246 Perimeter Center Parkway, N.E.  
Atlanta, GA 30346  
(404) 394-6500

Ask for the Association of ADA Coordinators Conference Block  
Rates -- \$79.00 (plus taxes) for single/double room  
if room reservations made by April 4, 1995

Airport limousine and taxi service available to hotel

### **AADAC 2-Day Conference Registration**

Includes lunch first day of conference  
Keynote and Awards Dinner  
Conference materials

**AADAC Members: \$395.00**

**Non-AADAC Members: \$495.00**

**ANY one day conference registration: \$275.00**  
(includes Thursday evening reception and dinner)

### **Membership Information**

To qualify for members' registration fees, participant's organization needs to be a member. Any new or renewing organization's membership through December 31, 1995 is:

**Public Sector Membership: \$ 150.00**  
**Private Sector Membership: \$ 250.00**

**See back of registration form for membership application.**





**REGISTRATION FOR SPRING 1995 AADAC CONFERENCE / PRE- CONFERENCE EVENTS**

>>>> **FAX COPY OF EACH PARTICIPANT'S REGISTRATION FORM TO: (800) 932-9232** <<<<<  
**Each attendee is responsible for individual hotel and travel reservations**

PLEASE INDICATE WHICH **CONFERENCE** YOU WILL ATTEND:

☐ **San Diego, CA - March 30 - 31, 1995**

☐ **Atlanta, GA - April 20 - 21, 1995**

Please indicate the **special interest** conference sessions and events you are most likely to attend.

- ☐ Handling the duties of a college / university ADA coordinator / 504 compliance officer
- ☐ Keynote / Reception (All conference attendees, whether full or one-day, include this)
- ☐ Handling the ADA and criminal justice requirements
- ☐ Handling the ADA and parks / recreation requirements
- ☐ Caveats for the medical provider evaluating workers' comp patients and the ADA (San Diego only)

PLEASE INDICATE OPTIONAL **PRE-CONFERENCE** WORKSHOP YOU WILL ATTEND:

- ☐ How to Develop Answers to Your ADA Employment Questions
- ☐ The ADA and Attitudes - Closing the Gap
- ☐ Questions the Title II Technical Assistance Manual Does Not Answer
- ☐ Will **not** be attending any pre-conference workshops

**AADAC REGISTRATION** (Please check appropriate boxes)

**2-Day Conference** registration fee: ☐ Member \$395.00 ☐ Non-Member \$495.00

**One Day Only** Conference fee (includes Keynote Dinner): ☐ Any person \$275.00 Indicate date: \_\_\_\_\_

**Pre-Conference** Workshop registration fee (if any): ☐ Member \$225.00 ☐ Non-Member \$275.00

**Membership fee** (Please complete membership application on reverse side): ☐ Public Sector \$150.00 ☐ Private Sector \$250.00

**TOTAL** amount (all fees): \$ \_\_\_\_\_

The Federal Employer Tax Identification Number (FEIN) for the Association of ADA Coordinators is: **33-0595554**

**ANY** cancellation is subject to \$150.00 Service Charge - **NO** refunds after 2/15/95 (Form 15C95)

\*\*\*\*\*

Name: \_\_\_\_\_ Are you the ADA Coordinator? Yes No

Title: \_\_\_\_\_ Jurisdiction: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone Number: (\_\_\_\_) \_\_\_\_\_ TDD: (\_\_\_\_) \_\_\_\_\_ FAX: (\_\_\_\_) \_\_\_\_\_

In order to participate in the training, I have special need of: \_\_\_\_\_

Please make checks payable to the Association of ADA Coordinators and send with registration form(s) to:

One World Trade Center, Suite 800, Long Beach, CA 90831-0800 • 800-722-4-ADA • Fax 800-9-FAX-ADA





## MEMBERSHIP APPLICATION

The **PUBLIC SECTOR** membership fee is **\$150.00**. This entitles the member to all the benefits and privileges of regular membership in the **Association of ADA Coordinators (AADAC)**, a **non-profit 501(c)(3) organization**, through **December 31, 1995**. Regular membership includes:

- \* membership list (great for networking) and newsletter.
- \* **reduced rate** on registration fees for each participant of a member organization to future conferences, workshops and/or seminars of **AADAC** and / or the **Association of ADA Professional (AADAP)**, the ADA consulting organization working with AADAC.
- \* **other benefits** which may become available, including, but not limited to, **reduction in prices** for training materials/services, computer hardware/software, and publications.

Persons/organizations who are **not directly affiliated** with a public sector agency/jurisdiction on an employee basis can become a **PRIVATE SECTOR** member. The **PRIVATE SECTOR** membership fee is **\$250.00** through **December 31, 1995**. A private sector member has all the privileges of a public sector member.

### PLEASE PROVIDE THE FOLLOWING MEMBERSHIP INFORMATION:

Name of Organization: \_\_\_\_\_

Contact Person: \_\_\_\_\_ Are you the ADA Coordinator? Yes No

Title of Contact Person: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ ZIP CODE: \_\_\_\_\_

Telephone: (\_\_\_\_) \_\_\_\_\_ TDD: (\_\_\_\_) \_\_\_\_\_ FAX: (\_\_\_\_) \_\_\_\_\_

Please indicate membership type:

☐ PUBLIC SECTOR MEMBER (New or renewing **membership**): \$ 150.00

☐ PRIVATE SECTOR MEMBER (New or renewing **membership**): \$ 250.00

(Federal Employer Identification Number (FEIN) for AADAC is 33-0595554) (Form 1M95)

Any and all memberships are subject to approval of the Board of Directors and are subject to the Rules, Regulation, and By laws of the Association of ADA Coordinators in effect and/or as modified from time to time.

PLEASE SEND COMPLETED FORM WITH MEMBERSHIP FEE TO:

### ASSOCIATION OF ADA COORDINATORS

One World Trade Center, Suite 800, Long Beach, CA 90831-0800 • 800-722-4-ADA • Fax 800-9-FAX-ADA





## REGISTRATION FOR SPRING 1995 AADAC REGIONAL WORKSHOPS

>>>>> FAX COPY OF EACH PARTICIPANT'S REGISTRATION FORM TO: (800) 932-9232 <<<<<

*Each attendee is responsible for individual hotel and travel reservations*

PLEASE INDICATE **REGIONAL WORKSHOP** AND LOCATION YOU WILL BE ATTENDING

- ☐ How to Develop Answers to Your ADA Employment Questions (**Full day**)
- ☐ The ADA and Attitudes - Closing the Gap (**Full day**)
- ☐ Questions the Title II Technical Assistance Manual (TAM 2) Does Not Answer (**Full day**)
- ☐ How to Determine Essential Functions and Prepare an ADA Job Analysis (**Half day**)

☐ LONG BEACH, CA      ☐ CINCINNATI, OH      ☐ NEW ORLEANS, LA

Please indicate date(s) of workshop to be attended: \_\_\_\_\_

### AADAC REGIONAL WORKSHOP REGISTRATION (Please check appropriate boxes)

**Full Day** Registration Fee: ☐ Member \$225.00    ☐ Non-Member \$275.00

**Half Day** Registration Fee: ☐ Member \$125.00    ☐ Non-Member \$175.00

**TOTAL** amount (all fees): \$ \_\_\_\_\_

The Federal Employer Tax Identification Number (FEIN) for the Association of ADA Coordinators is: **33-0595554** (Form 1R95)

**ANY** cancellation is subject to \$100.00 Service Charge - **NO** refunds after 2/15/95

\*\*\*\*\*

Name: \_\_\_\_\_ Are you the ADA Coordinator? Yes No

Title: \_\_\_\_\_ Jurisdiction: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone Number: (\_\_\_\_) \_\_\_\_\_ TDD: (\_\_\_\_) \_\_\_\_\_ FAX: (\_\_\_\_) \_\_\_\_\_

In order to participate in the training, I have special need of: \_\_\_\_\_

Please make checks payable to the Association of ADA Coordinators and send with registration form(s) to:

One World Trade Center, Suite 800, Long Beach, CA 90831-0800 • 800-722-4-ADA • Fax 800-9-FAX-ADA



## Spring 1995 AADAC Regional Workshop Information

### Locations, Hotel, Registration Information

#### Long Beach, CA - February 23 & 24, 1995

Renaissance Hotel  
111 East Ocean Blvd.  
Long Beach, CA 90802  
(310) 437-5900

Special hotel room rates - \$85.00 (single/double)  
for reservations made by 02/03/95

#### Cincinnati, OH - May 2 & 3, 1995

Cincinnati Marriott  
11320 Chester Road  
Cincinnati, OH 45246  
(800) 950-8883

Special hotel room rates - \$80.00 (single/double)  
for reservations made by 04/11/95

#### New Orleans, LA - May 4 & 5, 1995

New Orleans Marriott  
555 Canal Street  
New Orleans, LA 70140  
(504) 581-1000

Special hotel room rates - \$139.00 (single; add \$20.00 for double)  
for reservations made by 04/03/95

**To Register - See other side of this form (page 8)**

**Full Day Regional Workshop (8:30 am - 4:30 pm)**

AADAC Members: \$225.00  
Non-AADAC Members: \$275.00

Includes lunch and workshop materials

\*\*\*\*\*

**Half Day Regional Workshop (8:30 am - 1:00 pm)**

AADAC Members: \$125.00  
Non-AADAC Members: \$175.00

Includes workshop materials

**Please register early**  
**Regional workshop sizes are limited**  
**Subject to change due to unforeseen circumstances**

### REGIONAL WORKSHOPS

#### How to Develop Answers to Your ADA Employment Questions

This **full day** workshop explores how to make **employment** determinations using the Title I Technical Assistance Manual (TAM 1) and the other EEOC guidances. The workshop shows processes that allows participants to return to their communities with a responsible way to resolve ADA employment issues. You will learn how to find the answers to questions that always seem to allude you. This is a "**must**" workshop for ADA Coordinators as well as those who wish to review ADA concepts and be current with the latest EEOC guidances.

**Barbara Judy**, Director, Job Accommodation Network (JAN)  
**Allan Leno**, Vice President, Zenith Insurance Company Co.  
**Paul D. Hagle**, Executive Director, AADAC & AADAP

Long Beach - February 23; Cincinnati - May 2; New Orleans - May 4

#### The ADA and Attitudes - Closing the Gap

This **full day** workshop examines the ADA and attitudes with a tie-in with diversity and customer service issues. An explanation of WINDMILLS with several modules is included. The City of Long Beach and other cities utilized this workshop to train over 1,800 of its managers, supervisors and non-supervisory employees. In this workshop, the ADA and attitudes are examined and modules presented also look at diversity and customer service issues. The workshop is presented in a train-the-trainer format. Included are steps for how participant's can organize, develop and implement an ADA attitudinal program in their organization.

**Larry Lee & Victoria Westerskov**  
Senior Facilitators  
Association of ADA Professionals

Long Beach - February 23; Cincinnati - May 2; New Orleans - May 4

#### Questions the Title II Technical Assistance Manual (TAM 2) Does Not Answer

This **full day** workshop shows participants a process for making ADA Title II **Program Accessibility** determinations. This includes a step by step presentation of the process that allows participants to return to their communities with a responsible way of making program accessibility decisions. The presenter also identifies and answers some questions that the TAM 2 misses. The process is illustrated with case examples, and participants are encouraged to ask questions pertinent to their own efforts. Ample time for in-depth discussions is scheduled.

**John Salmen**, President  
Universal Designers & Consultants, Inc.

Long Beach - February 23; Cincinnati - May 2; New Orleans - May 4

#### How to Determine Essential Functions and Prepare an ADA Job Analysis (JA)

This separate, **half-day** workshop is a follow-on workshop for the above on the TAM 1. It provides a hands-on, step-by-step process for developing the JA and looks at the ADA / Workers' Compensation JA link and how to develop reasonable accommodations.

**Barbara Judy**, Director, Job Accommodation Network  
**Allan Leno**, Vice President, Zenith Insurance Co.

Long Beach - February 24; Cincinnati - May 3; New Orleans - May 5



(2/13/95B)

[Date]

The Honorable Janet F. Reno  
Attorney General  
U.S. Department of Justice  
Constitution Avenue & 10th Street, N.W.  
Washington, D.C. 20530

Dear Madam Attorney General:

As the principal Senate co-sponsors of the Americans with Disabilities Act (P.L. 101-336) ("ADA"), we are writing to request the U.S. Department of Justice extend the time period for installation of curb ramps by public entities under 28 C.F.R. 35.150. As you may know, it was our intent to carefully craft ADA to include fair and balanced provisions and specific safeguards for state and local governments regarding costs. We are concerned that curb cuts are a unique, significant capital expense, and that our intent would be more properly fulfilled over a longer time period.

Currently, we understand that public entities were required to have completed all necessary curb cuts by January 26, 1996 ("effective date"). We believe that the Department should have separate time periods for at least two classes or tiers of curb cuts, provided public entities have a written transition plan with specific milestones for completing all curbs cuts within the extended time period. Tier I cuts are ones that serve state and local government offices, transportation, places of public accommodation, other places of employment, other heavily traveled routes, and private homes of persons with disabilities, and should be completed no later than 5 years after the effective date. Tier II serve residential and other non-commercial areas where pedestrian walkways exist, and a public entity should be given 10 years from the effective date to install the necessary curb ramps.

We urge you to adopt this modification as soon as possible. If you have any questions or if we can be otherwise helpful, please contact Bobby Silverstein of Senator Harkin's staff at 224-6265, or Alexander Vachon of Senator Dole's staff at 224-8959.

Sincerely yours,

---



As the principal Senate co-sponsors of the Americans with Disabilities Act (P.L. 101-336) ("ADA"), we are writing to recommend that the Department revise its priorities with respect to the implementation of your authority to certify that state and local building codes comply with the regulations under the ADA. We believe the process proposed below would ease the regulatory burden on both the Justice Department and on state and local governments, and improve accessibility without resort to enforcement through complaints.

Currently, the ADA permits the Attorney General, upon the request of a state or local government, to certify that a state or local building code meets or exceeds the requirements of the ADA. See 42 U.S.C. 12188 (b) (1) (A) (ii). Although it is not expressly addressed in the ADA, under the regulations governing title III of the ADA (see 28 C.F.R. 36.601 et seq.), the Justice Department will also review and provide technical assistance in the development of model codes, including any of the three model codes upon which virtually all 15,000 state and local building codes are based. Those models are prepared by Building Officials & Code Administrators (BOCA), International Conference of Building Officials (ICBO), and Southern Building Code Congress International (SBCCI).

? To date, the Justice Department has apparently directed its certification effort primarily toward the review of individual state and local codes rather than toward providing technical assistance to the model code organizations. We urge the Justice Department to reconsider this allocation of its resources to give priority to its technical assistance effort. In our view, the existence of a model code that the Department has determined to be equivalent to the ADA Standards for Accessible Design would ease the regulatory burden on state and local governments by enabling them to adopt an approved model code. We also urge the Department, when approving model codes, to state explicitly that a state or local building code that adopts an approved model accessibility code without amendment, would be equivalent to the ADA for any element addressed in the code. Although this process would not eliminate the need for state or local governments to seek certification in order to get the evidentiary advantage offered by the statutory certification process, the Department's determination that a model code meets the ADA requirements would enable individuals and entities involved in building facilities subject to the ADA to rely on their state or local codes as a source of information about the Federal requirements. ( "same" )

? . In addition, we anticipate that the Department's approval of a model would significantly reduce the time and costs required for state or local governments to amend their codes, it would reduce the time and cost involved in the Department's review, and it would move the nation closer to achieving one of the principal goals of the ADA -- the elimination of discrimination in the built environment. Even if the Department's review of the current models does not immediately result in the approval of a

expedited review process.



model, the review process would be of significant benefit to the model code organizations because it will provide them with the information necessary to make the models equivalent to the ADA Standards.

We believe that giving priority to evaluating the model codes would be fully consistent with the objectives of the ADA certification process, therefore, we urge you to implement this policy change as soon as possible. If you have any questions or if we can be otherwise helpful, please contact Alexander Vachon of Senator Dole's staff at 224-8959 or Bobby Silverstein of Senator Harkin's staff at 224-6265.



U.S. Department of Justice  
Civil Rights Division  
*Public Access Section*



To: Alexander Vachon

Organization: \_\_\_\_\_

Phone: 202/224-8959

Fax: 202/228-4569

From: Janet Buzza

Organization: Public Access Section

Phone: (202) 307-0663 (Voice & TDD)

Fax: (202) 307-1198

Notes: Per conversation. I have also sent a copy  
to Bobby Silverstein.

*by Savage*  
**54-6293**

# of pages 3  
(including cover sheet)

~~10/17/2017~~ 2. Encountered various  
resistant lambs

e)

Confirm a meeting on

Friday, at 11:30 am,  
in Hart 141.

Yes

Mary Uyeda 942-4257  
Tom ~~737-5200~~

Tom ~~727-5100~~

will call  
back yes

Tom Hallett 727-5200

Barric Tabin 626-3000



1/95

1.

**NATIONAL ASSOCIATION OF COUNTIES** (NAY-co)

[Number of members]

Mary Uyeda, 202/942-4257

Just got grant to  
League of Cities / NADAA

Julie  
S. K. W. W.  
Just got grant to  
League of Cities / NADAA

2.

**NATIONAL ASSOCIATION OF TOWNS AND TOWNSHIPS**

[Less than 5,000; 13,000 members]

1/24: Hamilton Brown, 737-5200

Tom Hallbeck

Had DOJ, Kellogg grants for ADA technical assistance. Not able to survey all members, but guess that only half of members have done anything--including self-evaluation. No funding for small towns for alterations after general revenue sharing ended in 1983.

The only  
one  
works  
over

3.

**NATIONAL CONFERENCE OF STATE LEGISLATURES**

1/24: Joy Johnson Wilson, Director, NCSL Health Committee  
624-8689

Believes no one tracking this issue at NCSL; will check.

4.

**NATIONAL GOVERNORS ASSOCIATION**

1/24: Tom Reubel 624-5300

NGA does nothing themselves on ADA; referred me to Marion Schooling Vessel (Executive Director, Maryland Governor's Committee on Employment of People with Disabilities--ADA state organization), active with "Governor's ADA Coordinator; 410/333-2263. Loose network, believes NGA has list of all State coordinators. Another loose organization: "National Association of Governor's Committees." Little linkage Washington-based disability groups; somewhat better within States.

5.

**NATIONAL LEAGUE OF CITIES**

[1,400 members of all sizes--villages, towns, cities]

1/24: Barrie Tabin, 626-3000

6.

**U.S. CONFERENCE OF MAYORS**

[Mayors of cities over 30,000; 1,000 members]

1/18: Kevin McCarty, 293-7330

Curb cut issue: courts rule normal resurfacing triggered curb cut rule. ADA showed up on top of an undoable agenda--ADA last one through. On a personal basis, a good thing. Should have been done a longtime ago. Last guy to come into the room get shot. Environmental groups ginned up disability groups.

Bohhy Silverstein 4-6265

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in Branch last 4 years



1/95

1. NATIONAL ASSOCIATION OF COUNTIES

[Number of members]

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MEMORANDUM TO SENATOR DOLE

Date: January 30, 1995

From: Alec Vachon *RV*

RE: UPDATE/ADA AND STATE AND LOCAL GOVERNMENTS--  
WHAT ARE THE PROBLEMS? HOW CAN YOU HELP?

- \* As you know, I have contacted state & local government associations, asking questions like: How is ADA going? What kind of help do you need? Groups contacted: National Assn. of Counties, National Assn. of Towns, National Conference of State Legislatures, National Governors Assn., National League of Cities, and U.S. Conference of Mayors.
- \* Have also spoken to key ADA co-sponsors: Kennedy, Hatch, Harkin, and McCain.

GOOD AND BAD NEWS--AND SOME SURPRISING ANSWERS

- \* Everyone has heard of ADA, and most communities have begun to move. Incidentally, no one call ADA an "unfunded mandate"--U.S. Conference of Mayors: "ADA got tagged as an unfunded mandate because it showed up on top of an undoable agenda--ADA last one through." But staffer noted, "On a personal basis, ADA is a good thing. Should have been done a longtime ago."
- \* Generally pleased with ADA regs. The National Assn. of Towns called them a "model of flexibility."
- \* Problems:
  1. Biggest single capital expense is curb cuts--and deadline for compliance passed on Thursday, 1/26.
  2. Getting fast, definitive answers from the Justice Department. Complain ADA regs are not detailed enough.

AM EXPLORING THREE ACTIONS--FINAL OPTIONS NEXT WEEK

- \* CURB CUTS--Drafting letter to Justice w/ADA co-sponsors to extend deadline 5-10 years. Kennedy & Harkin support this action--Harkin says disability groups will not oppose.
- \* PROCESS FOR QUICK ANSWERS AND SOLVING FUTURE PROBLEMS. Letter to Tony Coelho at President's Committee asking him to set up regular meeting of state & local government associations, Justice, and disability groups to get kinks worked out. President's Committee affiliates in most states are the state agency for ADA implementation.
- \* SIMPLIFY REGULATORY BURDEN. Example: Rather than each jurisdiction apply for ADA certification of building code, Justice would certify model codes--jurisdictions would be deemed in compliance unless vary from model codes.



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## TELECOPIER TRANSMITTAL

DATE: 2/14/95

TO: John Wodatch Fax: 307-1198

FROM: Alexander Vachon

Office of Senator Bob Dole  
141 Hart Senate Office Building  
Washington, D.C. 20510

(202) 224-6521

NUMBER OF PAGES TO FOLLOW: 3

SUBJ: \_\_\_\_\_

*As discussed - See you tomorrow at 8:30 a.m.,  
141 Hart. Thanks.*



(2/13/95B)

[Date]

The Honorable Janet F. Reno  
Attorney General  
U.S. Department of Justice  
Constitution Avenue & 10th Street, N.W.  
Washington, D.C. 20530

Dear Madam Attorney General:

As the principal Senate co-sponsors of the Americans with Disabilities Act (P.L. 101-336) ("ADA"), we are writing to request the U.S. Department of Justice extend the time period for installation of curb ramps by public entities under 28 C.F.R. 35.150. As you may know, it was our intent to carefully craft ADA to include fair and balanced provisions and specific safeguards for state and local governments regarding costs. We are concerned that curb cuts are a unique, significant capital expense, and that our intent would be more properly fulfilled over a longer time period.

*Lead from contractors*

Currently, we understand that public entities were required to have completed all necessary curb cuts by January 26, 1996 ("effective date"). We believe that the Department should have separate time periods for at least two classes or tiers of curb cuts, provided public entities have a written transition plan with specific milestones for completing all curbs cuts within the extended time period. Tier I cuts are ones that serve state and local government offices, transportation, places of public accommodation, other places of employment, other heavily traveled routes, and private homes of persons with disabilities, and should be completed no later than \_\_\_\_ years after the effective date. Tier II serve residential and other non-commercial areas where pedestrian walkways exist, and a public entity should be given \_\_\_\_ years from the effective date to install the necessary curb ramps.

We urge you to adopt this modification as soon as possible. If you have any questions or if we can be otherwise helpful, please contact Bobby Silverstein of Senator Harkin's staff at 224-6265, or Alexander Vachon of Senator Dole's staff at 224-8959.

Sincerely yours,



(2/13/95B)

[Date]

The Honorable Janet F. Reno  
Attorney General  
U.S. Department of Justice  
Constitution Avenue & 10 Street, N.W.  
Washington, D.C. 20530

Dear Madam Attorney General:

As the principal Senate co-sponsors of the Americans with Disabilities Act (P.L. 101-336) ("ADA"), we are writing to ask you to implement a change in the procedure for deeming that state and local building codes comply with the regulations under ADA. We believe the procedure proposed below would ease the regulatory burden on both the Justice Department and on state and local governments, and improve accessibility without resort to enforcement through complaints.

Currently, under the regulations governing Title III of ADA (see 28 C.F.R. 36.607 et seq.), the Justice Department will issue a "certificate of equivalency" upon request that a state or local building code meets or exceeds the requirements of ADA. Under statute, such certification constitutes rebuttable evidence that a code meets the requirements of ADA. However, Justice will not certify -- although it will informally review -- any of the three models codes upon which virtually all 15,000 state and local building codes are based. Those models codes are prepared by Building Officials & Code Administrators (BOCA), International Conference of Building Officials (ICBO), and Southern Building Code Congress International (SBCCI).

We urge the Justice Department to first certify or otherwise approve model codes, which we believe it has current authority to do, and then allow all state and local codes that adopt such codes as equivalent. State and local government would only have to submit for certification any variances from the model codes.

We urge you to adopt this modification as soon as possible. If you have any questions or if we can be otherwise helpful, please contact Alexander Vachon of Senator Dole's staff at 224-8959, or Bobby Silverstein of Senator Harkin's staff at 224-6265.

Sincerely yours,



(2/13/95B)

[Date]

The Honorable Tony Coelho  
Chairman  
The President's Committee on  
Employment of People with Disabilities  
1331 F Street, N.W.  
Washington, D.C. 20004

Dear Tony:

As the principal Senate co-sponsors of the Americans with Disabilities Act ("ADA"), we are writing to ask you to examine the feasibility of the President's Committee organizing and conducting an ongoing meeting among interested parties in the implementation of ADA by public entities. We understand that in many states the state government coordinator for ADA is a Governor's Committee affiliate of the President's Committee, and that many Mayor's Committee affiliates have similar responsibilities. In our view, interested parties would include representatives of associations representing state and local governments, the U.S. Department of Justice and other Federal agencies with ADA responsibilities, and the disability community.

The purpose of such meetings would be a forum to share information and air problems and devise solutions regarding implementation. Although we are encouraged by widespread knowledge of the requirements of ADA -- even among small counties and towns, and a generally positive view of the need for ADA, we also recognize that for many public entities this is the first time they have attempted to make their programs wholly accessible. In particular, we understand there are concerns about specific and timely information about what is required by ADA, and believe this forum would help improve this situation.

We look forward to your response. If you have any questions or if we can be otherwise helpful, please contact Alexander Vachon of Senator Dole's staff at 224-8959 or Bobby Silverstein of Senator Harkin's staff at 224-6265.

Sincerely,

---



[Date]

The Honorable Janet F. Reno  
Attorney General  
U.S. Department of Justice  
Constitution Avenue & 10th Street, N.W.  
Washington, D.C. 20530

Dear Madam Attorney General:

As the principal Senate co-sponsors of the Americans with Disabilities Act ("ADA"), we are writing to request the U.S. Department of Justice extend the time period for installation of curb ramps by public entities under 28 C.F.R. 35.150. We are, of course, strong supporters of ADA and its fundamental principle that access is opportunity for people with disabilities. At that same time, it was our intent to carefully craft ADA to include fair and balanced provisions and specific safeguards for state and local governments regarding costs.

In this regard, we have heard that curb cuts are a unique, significant capital expense, and that our intent in this regard would be more properly fulfilled over a longer time period.

Currently, we understand that public entities were required to have completed all necessary curb cuts by January 26, 1995 ("effective date"). We believe there should be separate time periods for at least two classes or tiers of curb cuts, provided public entities have a written transition plan with specific dates for completing all curbs cuts within the extended time period. Tier I curb cuts are ones that serve state and local government offices, transportation, places of public accommodation, other places of employment, other heavily traveled routes, and private homes of persons with disabilities, and should be completed within 5 years of the effective date. Tier II cuts serve residential and other non-commercial areas where pedestrian walkways exist, and a public entity should be given 10 years from the effective date to install necessary curb ramps.

We urge you to adopt this modification as soon as possible. If you have any questions or if we can be otherwise helpful, please let us know.

Sincerely yours,





## TELECOPIER TRANSMITTAL

DATE: 2/22/95

TO: Liz Savage

Fax: 514-4279 <sup>0293</sup>

FROM: Alexander Vachon

Office of Senator Bob Dole  
141 Hart Senate Office Building  
Washington, D.C. 20510

(202) 224-6521

NUMBER OF PAGES TO FOLLOW: 21

SUBJ: \_\_\_\_\_

[Date]

The Honorable Janet F. Reno  
Attorney General  
U.S. Department of Justice  
Constitution Avenue & 10 Street, N.W.  
Washington, D.C. 20530

Dear Madam Attorney General:

As the principal Senate co-sponsors of the Americans with Disabilities Act ("ADA"), we are writing to recommend a procedure to simplify the process by which state and local building codes are certified as complying with ADA. We believe the procedure proposed below would ease the regulatory burden on the Justice Department and on state and local governments, and better serve the needs of people with disabilities by improving accessibility without resort to enforcement through complaints.

Currently, under Title III of ADA, the Justice Department can issue a "certificate of equivalency" that a state or local building code meets the requirements of ADA. However, Justice apparently will not certify--although it will informally review--any of the three model codes upon which virtually every state and local building code is based. Those model codes are prepared by Building Officials & Code Administrators, the International Conference of Building Officials, and the Southern Building Code Congress.

We believe the task of certifying even a fraction of the 15,000 state and local building codes would be a huge undertaking for the Justice Department. Therefore, we recommend that Justice first certify or otherwise approve the model codes, and devise an expedited procedure to certify state or local codes that use an approved model code.

We urge you to <sup>considering</sup> adopt this policy change as soon as possible. If you have any questions or if we can be otherwise helpful, please let us know.

*in accordance with all ~~off~~ laws and  
ethical guidelines.*

Sincerely yours,





U.S. Department of Justice

Civil Rights Division

Office of the Assistant Attorney General

Washington, D.C. 20035

FAX TRANSMITTAL SHEET

Date: 21 Feb

TO: Name Alexander Vachon  
Organization Sen. Dole's office  
FAX Phone # 228 4569  
Office Phone # 224 8459

FROM: Name LIZ SAVAGE  
Organization CRT/OAAG  
FAX Phone # 202-514-0293  
Office Phone # 202-514-4279

SUBJECT: Re model order -  
Also sent to Bobby  
Talk to you soon.  
Talking points are FYI

Number of pages transmitted (including this sheet)

5

(max. trans. 30 sheets)



As the principal Senate co-sponsors of the Americans with Disabilities Act (P.L. 101-336) ("ADA"), we are writing to ask you to implement a change in the procedure for certifying that state and local building codes comply with the regulations under the ADA. We believe the procedure proposed below would ease the regulatory burden on both the Justice Department and on state and local governments, and improve accessibility without resort to enforcement through complaints.

Currently, the ADA permits the Attorney General, upon the request of a state or local government, to certify that a state or local building code meets or exceeds the requirements of the ADA. See 42 U.S.C. 12188 (b)(1)(A)(ii). Although it is not expressly addressed in the ADA, under the regulations governing title III of the ADA (see 28 C.F.R. 36.601 et seq.), the Justice Department will also review and provide technical assistance in the development of model codes, including any of the three model codes upon which virtually all 15,000 state and local building codes are based. Those models are prepared by Building Officials & Code Administrators (BOCA), International Conference of Building Officials (ICBO), and Southern Building Code Congress International (SBCCI).

To date, the Justice Department has apparently directed its certification effort primarily toward the review of individual state and local codes rather than toward providing technical assistance to the model code organizations. We urge the Justice Department to reconsider this allocation of its resources to give priority to its technical assistance effort. In our view, the existence of a model code that the Department has determined to be equivalent to the ADA Standards for Accessible Design would ease the regulatory burden on state and local governments by enabling them to adopt an approved model code. We also urge the Department, when approving model codes, to state explicitly that a state or local building code that adopts an approved model accessibility code without amendment, would be equivalent to the ADA for any element addressed in the code. Although this process would not eliminate the need for state or local governments to seek certification in order to get the evidentiary advantage offered by the statutory certification process, the Department's determination that a model code meets the ADA requirements would enable individuals and entities involved in building facilities subject to the ADA to rely on their state or local codes as a source of information about the Federal requirements.

In addition, we anticipate that the Department's approval of a model would significantly reduce the time and costs required for state or local governments to amend their codes, it would reduce the time and cost involved in the Department's review, and it would move the nation closer to achieving one of the principal goals of the ADA -- the elimination of discrimination in the built environment. Even if the Department's review of the current models does not immediately result in the approval of a



model, the review process would be of significant benefit to the model code organizations because it will provide them with the information necessary to make the models equivalent to the ADA Standards.

We urge you to adopt this modification as soon as possible. If you have any questions or if we can be otherwise helpful, please contact Alexander Vachon of Senator Dole's staff at 224-8959 or Bobby Silverstein of Senator Harkin's staff at 224-6265.

## NOTES ON THE ADA CERTIFICATION PROCESS & MODEL CODES

1) Section 308 of the ADA permits the Attorney General to certify that a State law or local building code or similar ordinance meets or exceeds the minimum accessibility requirements of the Act. In enforcement proceedings, this certification will constitute rebuttable evidence that the law or code meets or exceeds the ADA's requirements.

This procedure is voluntary; there is no requirement for any jurisdiction to make its code consistent with the ADA. To date, DOJ has received formal requests for certification from New York City and the States of Washington, New Mexico, Utah, Florida, and Texas. (DOJ Status Report Update, December 1994)

Several states (e.g., Kansas, Maryland, North Dakota, Pennsylvania, Rhode Island, and Virginia) have elected to bring their codes into compliance with the ADA by adopting the DOJ regulation and/or the ADA Standards for Accessible Design as their state building codes. None of these states has requested certification.

2) The statutory language expressly provides that ADA certification must be requested by a State or local government and may be granted only after consultation with the Architectural and Transportation Barriers Compliance Board (Access Board) and "notice and a public hearing at which persons, including persons with disabilities, are provided an opportunity to testify against such certification." 42 U.S.C. 12188(b)(ii).

3) DOJ tracks this requirement in the title III regulation, but recognizes the role of the model code organizations in the code development process by providing that, at the request of a code organization, DOJ will review a model codes and provide "guidance" to the code organization as to whether the model code is equivalent to the ADA. 28 C.F.R. 36.608. This review is informal. No public comment or consultation with the Access Board is required, although, in practice, DOJ, as a member of the Access Board, is unlikely to issue a determination of equivalency without consulting the Board.

4) To date, DOJ has received requests for informal review of model codes or similar documents from the Council of American Building Officials (CABO) on behalf of the American National Standards Institute (ANSI) A117.1 committee and the Board for the Coordination of Model Codes, the Building Officials and Code Administrators International (BOCA), and the National Parking Association. (DOJ Status Report Update, December 1994)

5) Although DOJ lacks authority under the statute to "certify" model codes, it may, as an exercise of its authority to provide technical assistance, identify model codes that are equivalent to the ADA. It may also provide technical assistance to code development organizations that want to make their products



equivalent. These actions fall within the scope of 28 C.F.R. 36.608 and could be implemented without changes to the ADA or the DOJ regulation.

6) If a model code is determined to be equivalent to the ADA, DOJ could provide an expedited review of any State or local code that adopted the approved model. However, the statute would still require public notice, comment opportunity, and a public hearing on each formal certification.

7) The DOJ process could be further streamlined; however, such an undertaking would require formal amendments to the DOJ regulation concerning the required public hearing.

(a) The current rule requires a minimum of two hearings, one conducted by the submitting jurisdiction and one by DOJ. The DOJ hearing must be held in Washington, DC after the end of a sixty-day public comment period. The regulatory review burden on both the State and Federal level would be significantly reduced if the rule required only one public hearing on the submitted code, and permitted DOJ to deem any post-ADA hearings held by the State during the code development process that considered certification to meet this requirement. In the alternative, the DOJ reg. could be amended to require either DOJ or the State to conduct a single ADA-specific hearing on the code. This hearing should be held in the affected jurisdiction during (rather than after) the public comment period. Requiring DOJ to hold this hearing would shift the administrative burden involved in conducting such a hearing from the State to the Federal level.

(b) The DOJ regulation could also be amended to provide that once a model accessibility code has been found to be equivalent to the ADA, any jurisdiction that adopts that model code without amendment, and requests certification, will receive expedited review of its request. It is not strictly necessary to amend the regulation to implement such a procedure, but an amendment would be the most effective means of providing public notice of the policy.

(c) Additional amendments to the procedural requirements could be implemented to reduce the paperwork burden involved in making the initial certification request.



ADA Angst File

MEMORANDUM TO SENATOR DOLE

Da: March 8, 1995  
Fm: Alec Vachon *AV*  
Re: UPDATE/ADA NEWS FROM MANHATTAN AND FROM JOHNSON COUNTY

MANHATTAN, KS

- \* Manhattan has the unhappy distinction of being the only Kansas city or county sued under ADA. (N.B. Little incentive to sue state or local governments under ADA because only remedy is injunctive relief--i.e., whatever accommodation was asked for in the first place.) By all accounts (including City personnel), Manhattan brought this suit on itself--by refusing even modest accessibility requests. Plaintiff was Toby Tyler--Manhattan native who as a Madison, WI, police officer was shot in the head--now uses a wheelchair. Tyler initially asked that a gate to a ball field be widened so he could enter and see his son play Little League. He was told by city official in charge of ADA that he didn't have time for "Mickey Mouse ADA complaints." (He has been replaced.) Tyler filed suit in 1992; Judge found for Plaintiff in August 1994.
- \* The City refused mediation by the State AG's Office--who told me the City Manager said (in effect) that he would prefer to be sued. Moreover, she described trial testimony by the City ADA official as a "Plaintiff's attorney's dream"--basically repeating what he told the Plaintiff.
- \* Manhattan Mercury was initially very opposed to Plaintiffs--its coverage so angered State AG Bob Stephan that he wrote a letter to the Mercury complaining (ATTACHED). But the Mercury later expressed the view in a very tough editorial: "[T]he city should question the adequacy of its leadership, legal advice, and judgment. ... The City should do what any individual who is wrong should do: Admit error and take whatever steps are necessary to make it right." (FULL EDITORIAL ATTACHED.)
- \* I have been in touch with city officials since July 1994 -- offering whatever help was appropriate from this office. Helped expedite information from Justice Department (SEE ATTACHED LETTER).
- \* According to the latest report (I spoke with Asst. City Manager on Tuesday), Manhattan is making good progress. Still things to work out, but under control.
- \* Manhattan officials will be here next week--principal ADA issue is that any reg reform bill allow reg clarifications. As I have written you, ADA regs allow great flexibility--greatest interest by cities and states is for more detail.



- \* SILVER LINING: In working with Manhattan, gave impetus to effort to extend deadline for curb cuts and to improve Justice Department technical assistance. Also got attention of other Kansas cities--who learned that the cheapest and best way to implement ADA is to sit down with disabled citizens and work out a plan--and the fastest and most expensive way is by Federal court order.

JOHNSON COUNTY

- \* On Monday, I met with Johnson County Commissioner and County Administrator (re funding for elderly/disabled public transit). I asked about any ADA problems--none to report. In fact, a County Commissioner characterized Manhattan's problems as a result of an attitude that showed a lack of consideration for the "customer" (she is a former retail executive).

Manhattan Mercury

August 21, 1994

## ***Paper's attitude hardens opinions***

To the Editor:

One of the reasons that the Americans with Disabilities Act (ADA) came into being was because of the insensitivity of government to the needs of the disabled — specifically in regard to access to public buildings and facilities.

If reasonable access had been granted prior to enactment of the Act, such a law quite possible would not have been necessary.

The ADA has been in effect for almost four years now, giving governmental entities ample time to make the necessary changes required.

The ADA also provides that an entity can claim that the requirements of the act cause an undue financial or administrative burden.

To my knowledge that claim was never made by the City of Manhattan. The recent ruling by Federal District Court Judge Dale Saffels did not create any new burdens or deadlines for the City of Manhattan.

It merely reiterated the Jan. 26, 1995 deadline for the removal of all architectural barriers that already existed through the act.

Considering these facts, it is shocking to me that anyone would ridicule the efforts of individuals to be treated in a humane and responsible manner, i.e. the cartoons that have recently appeared in The Mercury as a result of Judge Saffels' ruling.

Your newspaper's attitude can only serve to harden the thoughts and opinions of some citizens in regard to the need for appropriate laws to provide the same quality of life to those with disabilities which the rest of us enjoy.

Robert T. Stephan  
Kansas Attorney General  
Topeka



September 1987

# The Manhattan Mercury

An Independent Newspaper

Founded May 9, 1884

86th Year as a Daily

No. 187

Edward Seaton, Editor in Chief  
Bill Felber, Executive EditorSteve Stallwitz, Advertising Director  
Joyce Kirkendall, Circulation Director  
Walt Braun, Editorial Page Editor

## City imposing undue burden

This is getting embarrassing.

In an order filed Monday, U.S. District Judge Dale Saffels not only said no to the city's belated plea that complying with the Americans with Disabilities Act imposed an undue burden, he said in effect, hell no.

Judge Saffels flatly denied the city's request to clarify his previous order or consider another trial in the discrimination suit brought against the city by Tobie Tyler. He also sternly criticized the city for avoiding its responsibility.

If the city several months or several years ago received conflicting advice that led officials to question the integrity of the Jan. 26, 1995, deadline for ADA compliance, those doubts should have disappeared in Judge Saffels' July 7 ruling.

"All" improvements means all improvements. Compliance means compliance. Jan. 26, 1995, is on the calendar.

The city, perhaps ill-served by the Justice Department, can continue to bemoan its hard luck that Mr. Tyler lives here and not in Wisconsin. It can continue to blame him for the situation or look for another way around Judge Saffels. But it should do neither.

Instead, the city should question the adequacy of its leadership, legal advice and judgment in the three-plus years since ADA became law. The city should reckon with those possibilities rather than search for excuses.

Manhattan has little credibility with Judge Saffels. The judge chose the words "disingenuous" and "misleading" to describe the city's actions and criticized the city for "its consistent evasion of the truth..."

The city should do what any individual who is wrong should do: Admit the error and take whatever steps are necessary to make it right. In this case, that means redoubling what has become an impressive effort to construct curb cuts, even if it means dipping further into reserves or postponing other projects. To do less flirts with contempt of a court order.

City commissioners and staff, who painted the city into this corner either out of miscalculation, ignorance or spite, are close to becoming a source of embarrassment for residents who look to City Hall for leadership. There is the real undue burden.

THE CITY OF

# MANHATTAN

---

KANSAS

The  
Little  
Apple



October 17, 1994

The Honorable Bob Dole  
U. S. Senator  
141 Hart  
Senate Office Building  
Washington, D.C. 20510

Dear Senator Dole:

We are providing you with a copy of correspondence that you may have interest in. Contrary to a lot of negative news, the City of Manhattan has been and continues to be proactive with regard to disability issues. If you have any comments or suggestions, please contact us.

Sincerely,

Ron R. Fehr  
Assistant City Manager  
and ADA Coordinator


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enc.

*Alexander:  
Thanks  
you for all  
help!*



MEMORANDUM

Date: January 13, 1995  
To: Senator Dole  
From: Alec Vachon   
RE: FEINSTEIN ON ADA--UNFUNDED MANDATES DEBATE

\* As you know, Feinstein raised concerns about ADA on the floor last night (statement attached). She claimed:

1. Justice Department is forcing Candlestick Park in San Francisco to add 600 accessible seats--at a cost of \$5 million--to 7,000 existing accessible seats--which are generally not filled anyway.
2. ADA requirements for grab bars on toilets in jail cells conflicts with Federal guidelines concerning design of safe jail cells for prisoners at suicide risk.

\* I checked with the Justice Department, and Feinstein is plain wrong on the facts. Justice's version:

CANDLESTICK PARK

Candlestick Park has 70,000 seats--with 89 accessible seats for baseball (Giants), 103 for football (49ers). Following a complaint, Justice asked 300 additional accessible seats by 2000. This matter is under negotiation. The Giants have to add more accessible seats anyway--the NFL told them to increase accessible seating if they want the 1999 SuperBowl (part of NFL SuperBowl standards). Giants are planning a \$20 million facelift for the 1999 Superbowl; increasing accessible seating would be part of the facelift. The \$5 million is San Francisco's estimate of the cost of the additional accessible seats (from its bid for the 1999 SuperBowl), but the bid did not specify the basis for the estimate. [N.B. If Candlestick Park were a new facility, 600 accessible seats would be required by ADA standards.]

JAIL CELLS

Currently, Justice has no standards for jails. Under criteria proposed by the ACCESS Board, 5% of all jail cells would have to be accessible. The ACCESS Board did consider grab bars as a suicide risk--but there was no credible evidence of hazard. In fact, support for this conclusion came from information supplied by the State of California--and reported in the Federal Register on June 20, 1994.

\* Undoubtedly, there are excesses in ADA enforcement, but in every "outrageous" instance I have looked into the facts have been inaccurately reported.

\* As I have written you, state and local governments are supposed to have completed all architectural and structural changes to make their services accessible by January 26th. You have responded that there are problems--and I am now checking with various associations: U.S. Conference of Mayors, National League of Cities, etc. So far, I am not aware that you have received any letters from any national associations or even individual communities requesting any relief. (You have received requests for assistance from Kansas, which I have supplied.) Justice has not received any requests for extension of this deadline.

cc: David Taylor



Feinstein

January 12, 1995

CONGRESSIONAL RECORD—SENATE

S 889

Let's talk about some specific California cities.

Let us take, for example, a city of about 120,000 people known as Sunnyvale, California. The city has identified a total of 202 mandates that they must meet. It has incurred costs for 103 of these mandates during the last 5 fiscal years. The total cost of these mandates has been approximately \$77 million, representing 18 percent of Sunnyvale's total operating budget.

For example, Sunnyvale's compliance with environmental mandates accounted for 62.4 percent of the total costs of these mandates.

The general and other nonutility funds of Sunnyvale were impacted by a total of \$7 million in the 1993 budget. This represents in excess of 10 percent of the total operating costs of the city government, roughly equivalent to the costs of operating the library plus half of the parks in a given year, or roughly equivalent to 70 percent of fire services for that community.

Again, the community cannot raise taxes to pay for it. The city estimates that one-third of the total single-family residence utility bills this year will be earmarked for compliance with State and Federal mandates.

Mr President, let me take the city of Los Angeles. Unfunded mandates again have placed a recent burden on that city. Federal mandates will cost Los Angeles \$4.2 billion over the next 5 years. For example, the Federal underground storage tank regulations require leak detection systems and corrective action affecting 206 sites and 431 storage tanks in Los Angeles. Corrective action will cost in excess of \$31 million over the next 5 years.

Compliance with the Safe Drinking Water Act will cost the city in excess of \$245 million over the 5-year period. Costs to comply with the Americans with Disabilities Act are estimated to exceed \$30 million. This includes costs for curb cuts, ramps, special bathrooms in public buildings, whether or not they are actually used.

Federal law now requires all highway projects financed with Federal gas tax funds be designed and constructed in metric measurements starting September 30, 1996. Revisions to all city standards, manuals, standard plans, ordinances, and other documents will be required. Also, new drafting and design equipment will be needed, along with some training. The Los Angeles Department of Transportation will have to replace 14,000 speed zone signs at a one-time cost of \$1.2 million. The total cost to comply with this program—that is, just changing to a metric system—is \$2.6 million. And this is just one small change.

Did anyone ever add up or, again, even know the cost when this bill was promulgated? I doubt it.

Let us take Los Angeles County. To meet Federal mandates and still balance its budget, the county of Los Angeles has to significantly curtail other programs. For example, this year, Los

Angeles County employees will have to forego cost-of-living and other wage adjustments, and aid to indigents will be substantially reduced. Several libraries are being closed and all others will be open for a reduced number of hours. Recipients of welfare and public health services will face longer waits due to minimal county staffing levels.

Looking at the impact of immigration, Los Angeles County found that in 1991-1992, net county costs for services provided to legal immigrants, amnesty aliens, and illegal aliens and their citizen children were about \$947 million, while county revenues received from this segment accounted for only \$139 million.

Another example. The city of Fresno is required under the Safe Drinking Water Act to fit each of its 217 wells with expensive radon filtration systems. The city estimates the total capital costs of the system in the Fresno metropolitan area at \$191 million and an annual operating cost of \$26 million.

Considering the city currently has a \$567 million budget with a very small percentage of discretionary dollars, the initial outlay and annual costs to comply with the radon standards could have a significant impact on Fresno.

According to the city, the cost of compliance with the proposed radon regulation would force water systems to drop more compelling programs with greater public health and environmental benefits.

For Stockton, CA, a city of 215,000 people, compliance with Federal mandated stormwater provisions of the Clean Water Act will cost the city approximately \$1.2 million per year over the next 5 years or \$15 to \$20 per home. The city has the choice of either decreasing park and recreation, library services, or police services if the public will not accept the addition of a fee increase.

The Clean Air Act requires Stockton to spend approximately \$2.2 million in capital costs and \$100,000 in annual operating expenses to control landfill gas. Again, the city must either increase user fees or shift funding from parks and recreation, library services or public safety.

The Fair Labor Standards Act requires Stockton to pay overtime to firefighters who work more than 53 hours a week. As a result, the overtime costs Stockton an additional \$400,000 a year and affects the city's ability to add public safety officers.

Let me give what I think are rather egregious examples from my own city, San Francisco.

The City of San Francisco is required under the Safe Drinking Water Act to comply with filtration mandates. The city would prefer to put more funds into watershed protection, which is cheaper and would make filtration unnecessary. But instead it is forced by Federal regulations to the more costly expenditure. Building a filtration plant would cost the city \$500 to \$700 million,

while the cost for nonfiltration options range from \$40 to \$60 million.

Let me give another example. Candlestick Park, this weekend, will be sold out—a major NFL game.

A while back one person sued the City saying she did not have a seat as a disabled person at a game. The city came together and formed an agreement. But under the Americans with Disabilities Act, the Department of Justice is now saying that the agreement is not good enough. The city will have to spend \$5 million to build another 600 seats for disabled at Candlestick Park.

What is the rub? The stadium is sold out this weekend. There are 7,000 seats for disabled already, and they are not filled. Yet someone in Justice is saying the city must build another 600 seats.

I submit, the real problem is that once the bills are passed and the regulations are drafted by someone in a department, there is no telling what can happen.

While I was Mayor we would engage in consent decrees with all parties and someone in the Federal Government would say no, that is not acceptable to us. You must spend more money and to it our way. I think this is what is happening throughout the United States. It certainly is throughout the State of California.

Compliance with the Americans with Disabilities Act will cost San Francisco \$8.2 million in fiscal year 1995 in spite of conflicts with other code requirements. For example, safety cells for suicidal inmates in the new jail built to meet strict Federal codes say there should be no hard objects, such as bars, inside, and that there must be a lip on the floor by the door to keep fluids inside. However, the Americans with Disabilities Act requires bars by the toilet and a floor that a wheelchair can roll into.

San Francisco faces other costs in fiscal year 1995 arising from unfunded mandates—\$149.1 million for sewage treatment facilities required by the Clean Water Act; \$830,000 for scrubbers and boiler retrofit to comply with the Clean Air Act; \$3,090,000 to remove asbestos; \$2,910,000 to test for lead, and \$500,000 to implement drug and alcohol testing programs for employees responsible for operating certain vehicles as a condition of receiving Federal transportation funds.

Mr. President, I believe it is unfair for the Federal Government to impose mandatory regulations on localities without providing the necessary funding to implement them. I feel very strongly that Congress must be responsive to the fiscal constraints under which local and State governments operate.

Mr. President, S. 1 provides the kind of relief which State and local governments want and need.

It requires:

Any bill or amendment imposing a Federal mandate of more than \$50 million on a State or local government



maximize space and are easier to install than separate fixtures. The NPRM asked whether these type of units are actually required in cells and whether combination units that fully meet ADAAG requirements are available.

*Comment.* Several corrections officials indicated that they were unaware of any combination unit that fully complies with ADAAG. Corrections officials of some States, such as California, Florida, and Michigan, noted that separate fixtures are used in accessible cells. Manufacturers confirmed that the standard design of combination units, including those otherwise considered accessible by the industry, do not fully meet ADAAG requirements. Specifically, the standard design of these units cannot easily incorporate the 36 inch long rear grab bar required by ADAAG. Several commenters, including a design firm, thought that it may be possible to install a grab bar of shorter length, perhaps up to 24 to 26 inches, on some units. According to one correction official, however, mounting a 26 inch grab bar on the unit would double the amount of space required and quadruple the cost.

Several corrections agencies indicated that combination units are not required but are used frequently, primarily because they require less space than separate fixtures. One design professional noted that their use is preferred in police station holding cells for security reasons. The only source identified as actually requiring combination units was Virginia's "Guide of Minimum Standards in Design and Construction of Jail Facilities" which requires such units in maximum security cells.

*Response.* Based on the comments, it is apparent that the use of combination units are generally not required, but they are often preferred for more efficient use of space and greater security. The requirement for toilet rooms complying with ADAAG 4.22 remains unchanged.

*Comment.* One corrections official expressed concern about installing combination units that meet ADAAG specifications or separate toilet and lavatory fixtures in existing cells as part of a renovation. Installation of these elements would require converting two standard cells into one accessible cell in order to provide the necessary clear floor space at fixtures.

*Response.* Structural conditions and site constraints that prohibit compliance with ADAAG in the case of alterations are addressed by ADAAG 4.1.6 (Accessible Buildings: Alterations). ADAAG 4.1.6 notes that where it is

"technically infeasible" to comply with ADAAG as part of an alteration, compliance is only required "to the maximum extent feasible." Compliance with ADAAG that necessitates the removal of walls may constitute "technical infeasibility" in many cases. The term "technical infeasibility" is further discussed under ADAAG 12.4.5 (Alterations to Cells or Rooms).

*Comment.* The specifications for toilet rooms in ADAAG 4.22 and for bathing facilities in ADAAG 4.23 include requirements for grab bars at toilets, showers, and tubs. In the prison environment, such elements must be properly secured so that they cannot be removed and used as weapons. As discussed in ADAAG 11.4.2, the NPRM asked whether grab bars can be installed without creating a security risk. A majority of comments, including those from corrections officials, indicated that grab bars do not pose a risk to security if mounted properly. Several State corrections agencies offered certain methods of securement, such as the use of steel imbeds. Some of these suggestions were qualified as being able to reduce, but not necessarily eliminate, risks to security. Several commenters considered grab bars more of a security risk in maximum security facilities.

*Response.* Based on the comments, various alternatives do exist for mounting grab bars so that they do not pose a risk to security.

Another question raised in the NPRM was whether grab bars can facilitate suicide attempts among inmates or detainees. The NPRM asked about the experiences detention and correctional authorities have had with respect to grab bars and suicide attempts. This issue was raised with respect to holding cells in judicial facilities covered by ADAAG 11.4.2 and to holding and housing cells in detention and correctional facilities addressed by this section.

*Comment.* No information was received indicating that grab bars had indeed been used in any recorded suicide attempt. However, the National Center on Institutions and Alternatives notes that this "could have more to do with not only the problem of under-reporting of jail suicides \* \* \* but also the fact that grab bars are not yet predominantly found in jails throughout the country." Several comments did consider grab bars a suicide risk, particularly in police holding cells, maximum security cells, and psychiatric facilities.

Most of the comments, however, particularly those from State corrections officials, indicated that while they may pose some risk, suicide prevention

cannot be based solely on cell design. Some comments considered it impossible to design a cell that is "suicide-free" and noted that the risk posed by grab bars is not very different from the risk already posed in many existing prisons or holding cells by cell grillage, bed frames, and air circulation vents. Many of these commenters stressed the importance of appropriate supervision and classification of inmates and detainees in curbing the risk of suicide. The California Board of Corrections, which oversees local and county facilities, stated that:

The best deterrent to such activity is staff supervision and appropriate classification of inmates to identify possible suicide candidates. Another consideration is that grab bars are often located in open areas where staff visibility is optimum. Finally, California requires grab bars adjacent to all water closets in detoxification cells due to the potential for injury to intoxicated arrestees and there is no information to indicate an increase[d] suicide potential in these cells due to grab bars.

*Response.* The response from a majority of corrections officials indicates that supervision and classification of inmates are necessary in preventing suicide. The operators of correctional facilities may rely on these methods since correctional systems utilize extensive evaluation and classification of inmates. However, this may not be the case in detention facilities which may house persons immediately after arrest. Information gathered by the Board indicates that, in general, the chance of suicide is greatest during the first 24 or 48 hours following arrest. This is consistent with the opinion expressed by a few commenters that the suicide risk is greater in detention facilities such as police station holding cells. However, commenters indicated that appropriate supervision is necessary in these facilities in order to effectively reduce the risk of suicide, especially since holding cells may already contain elements, such as cell bars, that can facilitate suicide attempts. An exception to the requirement for grab bars in ADAAG 4.22 and 4.23 has not been included. The specifications for grab bars in ADAAG 4.26 (Handrails, Grab Bars, and Tub and Shower Seats) allow various design alternatives, and some designs were suggested in the NPRM as possible alternatives. These included grab bars that are recessed into the wall or that have infill welded plates attached to the bottom. Several corrections officials stated that such designs may help reduce but would not necessarily eliminate the risk of suicide. Further, they may compromise security



by providing space in which contraband can be hidden. One State correctional agency advised that operators "should retain the flexibility of determining the grab bar design suitable for a particular application." Current ADAAG specifications do provide some degree of flexibility in the design of grab bars. In addition, ADAAG 2.2 (Equivalent Facilitation) allows departures from, or alternatives to, specific technical requirements in ADAAG so long as equal or greater access is provided.

#### 12.5.2(3) Beds

This provision requires that clear floor space 36 inches wide be provided along one side of beds. The specifications for beds do not preclude the use of upper bunks, which may be installed particularly in cases of overcrowding. However, sufficient clearance must be provided between bunks so that the transfer from wheelchairs to lower bunks is not restricted. ADAAG does not currently specify such clearances, but an appendix note recommends consideration of the standard human dimensions associated with the use of wheelchairs in Appendix Fig. A3.

*Comment.* One comment from an individual with a disability considered the clear floor space specified alongside beds to be insufficient, while a corrections official considered the 36 inch width excessive and recommended that 32 inches be the minimum. Further, this commenter felt that certain cell elements, such as writing desks and storage units, should be allowed to encroach upon this space up to 18 to 24 inches.

*Response.* The 36 inch wide specification is based on requirements for patient bedrooms in ADAAG 6 (Medical Care Facilities). This is in addition to the wheelchair turning space and connecting accessible route required for the cell. Clear floor space required at fixed elements, such as writing desks, may overlap the maneuvering space required at beds; however, the fixed elements themselves may not obstruct or reduce this maneuvering space. This provision remains unchanged except for editorial revisions made for further clarification.

*Comment.* A design professional questioned what the height of beds should be in order to facilitate a transfer from wheelchairs.

*Response.* ADAAG specifies a range of 17 to 19 inches for the height of toilet seats and shower seats in order to facilitate the necessary transfer. This height is appropriate for beds as well. However, determining this height for fixed beds should include non-fixed

elements such as bedding or mattresses so that the bed surface to which one transfers is within the range of 17 to 19 inches from the finish floor. Where upper bunks are provided, the height of the beds is particularly important in ensuring sufficient headroom for transfer. This information, including the recommended 17 to 19 inch height for beds, has been added to the appendix.

#### 12.5.2(4) Drinking Fountains

This provision requires that drinking fountains be accessible for persons using wheelchairs and to those that may have difficulty bending or stooping. This provision is consistent with ADAAG 4.1.3(10)(a).

*Comment.* One design professional disapproved of ADAAG 4.1.3(10)(a) since it contains a performance standard. Another comment from a State corrections authority supported the requirement for drinking fountains accessible at both "hi-lo" heights.

*Response.* This provision allows use of "hi-lo" fountains, water coolers, or "other such means as would achieve the required accessibility" for both wheelchair users and persons who have difficulty bending or stooping. This provision has not been revised.

#### 12.5.2(5) Fixed Seating and Tables

This provision requires fixed seating and tables be accessible according to ADAAG 4.32. This applies to fixed seating and tables provided within, or serving, accessible cells. This requirement is intended to address seating that may be provided in adjacent common use spaces such as dayrooms.

*Comment.* One comment noted that this provision, if it is to apply to areas such as dayrooms, should be stipulated in ADAAG 12.1 which covers common use areas.

*Response.* As previously noted, this section has been revised to apply to elements, including fixed seating and tables, that are installed within housing or holding cells or rooms. Under ADAAG 12.1, common use spaces, including dayrooms, serving accessible cells are required to be accessible according to the applicable requirements of ADAAG 4.1 through 4.35. This would include the five percent scoping requirement and technical specifications for accessible fixed seating and tables in ADAAG 4.1.3(18) and ADAAG 4.32, respectively.

#### 12.5.2(6) Benches

This provision requires that benches be 17 to 19 inches high and meet existing structural strength requirements in ADAAG 4.26.3 (Structural Strength). This requirement as proposed specified

that benches be a minimum of 24 inches in depth and at least 48 inches long. As discussed in ADAAG 11.4.2(6), the specified minimum dimensions have been removed.

#### 12.5.2(7) Storage

This provision requires that fixed or built-in storage units be accessible according to ADAAG 4.25 (Storage).

*Comment.* One commenter recommended coverage of inmate lockers.

*Response.* Under this provision, lockers that are fixed or built-in would be subject to the applicable requirements of ADAAG 4.25. This provision has been clarified to apply to fixed or built-in storage units located within housing or holding cells or rooms.

#### 12.5.2(8) Controls

This provision requires that controls intended for operation by inmates be accessible according to ADAAG 4.27 (Controls and Operating Mechanisms). This provision has not been revised.

#### 12.5.2(9) Accommodations for Persons With Hearing Impairments

Under this provision, accessible cells are also required to be accessible to persons with hearing impairments and comply with ADAAG 12.6. Cells or rooms addressed by this section are required to comply with ADAAG 12.6 in addition to the three percent of cells or rooms addressed by ADAAG 12.4.3. This provision is intended to address access for those persons with both mobility and hearing impairments. The NPRM asked whether this provision was necessary or appropriate with respect to detention and correctional facilities.

*Comment.* A majority of the commenters, most from disability organizations, supported this requirement. However, corrections officials and the Bureau of Prisons recommended that this requirement be removed. Most of these comments indicated that the elements required to be accessible under this provision, alarms and permanently installed telephones, are typically not provided or needed in cells. These comments noted that staff supervision and controlled means of egress preclude the need for alarms serving inmates.

*Response.* As discussed under ADAAG 12.4.3, alarms and permanently installed telephones are not typically provided to serve individual cells. Thus, the specifications referenced by this provision apply only where such devices are provided. In addition, the requirement for auxiliary visible alarms, as discussed under ADAAG 12.6



[D/L INTERNET 1/6/95; SUNY BUFFALO GOPHER]

**Subject: ADA, ALL WE HAVE GAINED IS IN PERIL! MOBILIZE! EDUCATE THE NEW CONGRESS! NOW!**

November 30, 1994

Dear Colleagues:

WE WHO HAVE DISABILITIES ARE IN GRAVE DANGER of losing our fragile, hard won beachhead on the mainland of American life. Governors, Mayors, and media personalities are launching an escalating chorus of assaults on the ADA, calling it a costly unfunded mandate, and worse. IDEA and Medicaid are under attack, as are SSI supports for children with disabilities. There is increasing public focus on the cost of keeping people with severe disabilities alive, and on their "right" to die.

The new leaders of Congress have announced their agenda, a "Contract with America" that, implemented literally, could drastically cut virtually all programs that empower us. They speak of "erasing" key economic and social programs of the last three decades, and "reasserting American Culture as it has existed for the last 300 years" - a culture in which we were outcasts.

According to media reports, they are seriously considering amending the ADA to make enforcement a local option.

I CANNOT BELIEVE that the leaders of our nation - Republican or Democrat - are scheming to destroy our rights. But I see the current eruption of public frustration with the growing pains of democracy, and I remember history. I am truly terrified that hysteria for instant solutions and easy scapegoats - in combination with deeply rooted negative attitudes and massive misinformation from special interests - could result in an unthinking pulling of the plug on our progress, our rights, the programsthat empower us, and, in some cases, our very lives. Back to hopeless dependency, hopeless isolation, hopeless poverty. Back to sub-human status.

WE MUST MOBILIZE. WE MUST EDUCATE, NOW. The new Congress convenes on January 4th. Republican leaders have announced a blitz to pass their "Contract" agenda during the first one hundred days. We must act today, before the holidays, during the holidays, while basic positions are still being formed.

HOLD AN EMERGENCY MEETING. TODAY. TOMORROW. In person. By telephone. Designate an existing organization - or organize an ad hoc group - to coordinate state-wide action. Forget about turf and titles. Include all who will fight.



ESTABLISH TRUTH TEAMS in every Congressional district, starting with at least one member today - you - and growing to ten members or more in the next few weeks. If our movement is to survive and to achieve its goals in the new politics of the nineties, we must establish a permanent core of activist grass roots leadership in every community.

REACH OUT TO ALL YOUR STATE'S MEMBERS OF THE NEW CONGRESS beginning today, while you are organizing. Create positive relationships with members and with key staff. Take nothing for granted. About half of the new members of Congress were not present during the debate on the ADA in 1990. In too many cases their perceptions of the ADA and disability programs come largely from the recent avalanche of negative propaganda. Many hill veterans - including old friends in both parties - have been influenced by the same negative messages. Don't discount the potential of the new conservatives. Many of them are people of profound conscience, who share our passionate determination to emancipate all prisoners of dependency, and empower them in the mainstream of free enterprise democracy.

DELIVER OUR MESSAGE. Directly to the Congress, but also to the state house, the White House and government at all levels, to business, to labor, to groups representing minorities, women and older Americans and to all other potential allies. Deliver our message face to face, by telephone, fax, computer, the mail, in the streets. Use every Christmas card. Use the media. Be front row visible at public events with signs, questions and shouts. Flood talk shows, TV and newspapers with truth. Use newsletters, faxes, computers and telephone trees to activate our community. Collect personal stories illustrating the necessity of the ADA, including the positive effects of ADA on real lives. Send them to the National Council on Disability. (address below).

MESSAGE: DISABILITY IMPACTS ALL OF US. With the advance of modern medicine disability has become a normal characteristic of human being. Sooner or later every family - your family, Mr. Congressman - is going to experience disability. Public policy that fails people with disabilities fails every family. We who have disabilities form one fifth of the population - 49 million Americans, plus millions more, our families and service providers. We vote.

MESSAGE: ADA IS GOOD FOR AMERICA. ADA is not an unfunded mandate. It is a civil rights law that simply extends to Americans with disabilities the same Constitutional protections that other Americans already enjoy. ADA will not bankrupt anyone. It specifically provides that no business or public entity can be required to do anything which will result in undue hardship. ADA will open the doors of opportunity for people with disabilities, enabling us to get off of welfare and into the productive main-stream of our communities. ADA will pay for its tiny cost a hundred times in terms of reduced welfare and increased productivity.



MESSAGE: ADA. COOPERATION YES! AMENDMENT NO! We are ready to cooperate 100% to ensure implementation of the ADA that is sensitive to the needs of individuals, businesses and communities. But we will fight any amendment. We will fight for our right to be fully equal citizens of the USA. Ms. Congresswoman, we want your commitment that you will be with us.

MESSAGE: CONTRACT WITH AMERICA. Contract of the people, by the people and for the people - all the people - yes! Contract on Americans with disabilities, no! Of course social and economic programs need to be improved. No group is more aware of the cancerous oppression of paternalistic bureaucracy than people with disabilities. But let us take care that in our haste to change, we do not create more welfare, more paternalism, more costs, more misery. Let us ensure that changes protect and enhance rehabilitation, DD, personal assistance and legal services, IDEA, independent living, Medicaid, Medicare, fair housing and other all programs and protections that empower people with disabilities to be productive participants in the mainstream. Let us ensure that changes empower persons with very severe disabilities to be free from the fear of rationed life, to be emancipated from expensive, prison-like institutions, and to live with dignity in their communities.

MESSAGE: THE AMERICAN HERITAGE at its best, the magical power of America's explosive success, from 1776 to 1994, has been the aggressive empowerment of traditionally oppressed peoples to be fully equal participants in the mainstream of free enterprise democracy. Nothing could be more Republican, nothing could be more Democrat, nothing could be more in harmony with family values, nothing could be more profitable, nothing could be more positively American than the empowerment of Americans with disabilities. Mr. Congressman, we will work with you to create change that empowers. We will fight any return to oppressive paternalism.

CAN WE WIN? ABSOLUTELY! We will lose some battles. But we have the ultimate weapons to win the war for a just society: people, truth, love of humanity. We have the moral and the economic arguments. We have people who have created miracles of independence and justice. We have you.

IF WE CAN MULTIPLY OUR TINY ARMY OF PATRIOTS, if we can utilize the coming historic policy debate to establish the principles of empowerment, if we can exploit the coming volatile scramble for power to create new political clout, if we can survive the coming test of fire with our principles, our bottom line agenda and our passion to pioneer intact, we will have established a foundation of tempered political, psychological, and policy steel on which future generations in the USA and every land can build the edifice of democracy for people with disabilities.

THE BOTTOM LINE, SOLIDARITY! We must set aside business, personality and politics as usual, and unite in action. This is



not going to be easy. Funding problems invite cut throat competition among us. The certain polarization of mainstream politics invites us to attack each other in order to gain temporary positions of power. Divide and conquer will be the strategy of our opponents. We must further master the art of complementary unity - playing different, sometimes apparently conflicting roles, in total harmony for the same goals: equality, independence and empowerment in the mainstream.

THIS IS THE MOMENT OF TRUTH for each one of us. America is watching. The world is watching. Will our movement unite in action? Will we increase our advocacy enough to keep the Dream alive? We can do it, if we are willing to pay the price. If we are not, if we fail or are perceived to fail, God help our children and our colleaguehumans in the 21st century. "America tried equality for people with disabilities, and it didn't work. Why try it again?" We have got to win or - like our patriot fathers and mothers at Valley Forge - make the sacrifices necessary to achieve victory in the future. Ours is a cause worth dying for - literally. Let us unite. Let us act.

Yoshiko and I thank all of you who have led for independence and justice over the years, during the epic battle for health care reform and in the recent elections. We solicit your guidance. We respect you. We love you. We are with you all the way. Together we have overcome. Together we shall overcome.

Justin Dart

Note: We urgently need reports of your activities, of developments in your community, of how your Congresspersons stand on the issues. Fax or call your reports to Paul Marchand, CCD, 202-785-3388 (Voice), 202-467-4179 (Fax), 202-785-3411 (TDD).

Direct your requests for further information about organized advocacy to Becky Ogle, 703-836-6263 (Voice), 703-836-6730 (Fax); or to Fred Fay 508-371-0992 (Voice). The address of the National Council on Disability: 1331 F Street, N.W., Suite 1050, Washington, D.C. 20004-1107, 202-272-2004 (Voice), 202-272-2074 (TDD), 202-272-2022 (Fax).

GET INTO POLITICS AS IF YOUR LIFE DEPENDED ON IT. IT DOES! THE ELECTION OF '96 STARTS TODAY.



From: Justin Dart  
Subject: November, 1994  
Date: Wed, 23 1994

ELECTIONS '94. THE CONTRACT AGENDA. Our movement faces the most serious challenges in its history, and conceivably its greatest opportunities. In perhaps the most dramatic political upheaval since the early elections of the New Deal, Republicans have taken control of both houses of Congress. GOP campaign strategist Bill Kristol has characterized their goal as "routing contemporary liberalism and advancing an aggressive conservative agenda." This agenda is summarized in a "Contract with America," which promises a balanced federal budget, tax cuts for middle class and well-to-do people, and increases in military spending. Most credible observers agree that this plan, implemented literally, without refinement, would result drastic cuts in programs that empower people with disabilities.

"WE NEED TO ERASE THE SLATE." Explaining the Contract agenda on November 11, future Speaker of the House Newt Gingrich said, "It is impossible to take the Great Society" systems for dealing with the poor, and "have any hope of fixing things...We simply need to erase the slate and start over again." He called for methodically reasserting "American civilization as it has existed for the last 300 years." He has asked the Heritage Foundation to draw up a plan of action. Two years ago Heritage President Ed Feulner called ADA and the Civil Rights Act of 1991 "economic and social nannyism." Congressman Tom Delay, identified by the Washington Post as a leader in setting criteria for the Contract, opposed the ADA on all nine votes. The Post also mentioned staunch ADA opponent National Federation of Independent Businesses was as having key input into the content of the Contract.

THE NEW CONGRESSIONAL LEADERSHIP. Speaker Gingrich voted against our positions on ADA five votes out of nine, but he did reportedly help behind the scenes to get the landmark bill passed. New Majority Leader Richard Armey voted against the passage of the ADA on all nine votes, as did Congressman Bill Archer, the new Chairman of the powerful House Ways and Means Committee, and Congressman Bud Shuster, new Chairman of the Public Works and Transportation Committee. Congressman Bill Goodling, new Chair of the House Education and Labor Committee voted for us four times, against us twice and abstained twice. He also helped behind the scenes. We lose empowerment crusader Major Owens as chair of the House Subcommittee on Select Education and Civil Rights. We do better in the Senate where ADA supporters Dole, Hatfield, Domenici, Chafee, Packwood, Hatch and Kassebaum are in key positions. However, we lose ADA heroes Ted Kennedy and Tom Harkin as Committee chairs, and we lose ADA author Bob Silverstein as Director of the Senate Subcommittee on Disability Policy.



ATTACKS ON OUR RIGHTS. This massive shift of power and agenda occurs in the context of increasing public attacks - by members of both parties and the major media - on the ADA, the mainstreaming of children and adults with disabilities, the rights of persons with cognitive and psychiatric disabilities, and other foundational components of our empowerment agenda. Teacher's union President Albert Shanker and others have attacked the integration of children with severe disabilities in the classroom. Many Mayors and Governors have attacked the ADA as an unfunded mandate. Rick Santorum, Senator-elect from Pennsylvania was quoted recently in the Harrisburg Patriot as referring to ADA regulations as "fanatical." "The ADA is bankrupting municipalities. They're forced to cut curbs. I'm not against that, but why tomorrow?" A few days ago Rush Limbaugh blasted the ADA and called on the new Congress to "fix" it.

AMEND THE ADA? November 13 on "This Week with David Brinkley," George Will asked Newt Gingrich, "Will the Republican majorities prune that legislation (the ADA)?" Gingrich said, "I believe that local communities should have the opportunity to apply local common sense without a Washington bureaucracy. You want to maximize every American's right to participate fully....I don't think that ought to be done by a Washington bureaucracy drawing Washington lines to then be enforced across the board everywhere in America."

Washington Post, November 22. House Republicans are "reexamining the Americans with Disabilities Act."

Washington Post: November 23. "The new Republican leaders of Congress today promised Republican governors greater power and freedom to solve problems without interference from Washington....Dole and Gingrich pledged to ....to move quickly on legislative relief from federal mandates on the states. Unfunded mandates are the pass-along costs of federal regulations attached to primarily environmental and social legislation ....such as the Clean Water and Clean Air Acts, legislation requiring easy access to public places by disabled persons and other federal laws..."

Dialogue between Newt Gingrich and George Will "This Week with David Brinkley", November 13, 1994

G.W. "One of the largest expansions of the government's regulatory and intrusive activities in recent years was the Americans with Disabilities Act (ADA). Will the Republican majorities prune that legislation?"

N.G. "I want to draw a distinction between more or less in transformation, George. I believe that local communities should have the opportunity to apply local common sense without a Washington bureaucracy. You want to maximize every American's right to participate fully, you want to maximize those with challenges and disabilities. I don't think that ought to be done by a Washington bureaucracy drawing Washington lines to then be



enforced across the board everywhere in America."

G.W. "That sounds like repeal of the ADA?"

N.G. "No, I think you set a goal for the whole country and you ask yourself...(pause)..I trust the American people, I believe that if you said to the American people one of our societal goals is to maximize participation for everybody. Now, can you and your local community do that less expensively, faster and with more common sense than Washington? I think the answer is yes."

[At this time George Will asks a question concerning cuts in farm subsidies to which Gingrich gives a brief answer. Then...]

G.W. "I may be wrong, but I think I'm hearing that agricultural subsidies are only going to be looked at and that the ADA is pretty safe. Let me give you some cultural..."

N.G. (Interrupting) "I thought you said the way I described it, the ADA will be changed substantially."



File

MEMORANDUM

Date: December 27, 1994  
To: Senator Dole  
From: Alec Vachon  
RE: BIG ADA MILESTONE COMING UP--JANUARY 26, 1995

\* By January 26, 1995, state and local governments are supposed to have completed all architectural and structural changes to make their services accessible that they had identified in their transition plans (which were to have been completed by June 1992). (All non-structural changes were to have been made by March 26, 1992.) As you know, for most State & local governments ADA makes few new requirements over the accessibility mandate of section 504 of the Rehabilitation Act--so the past 5 years since ADA was passed have been an additional "grace period" for making State & local government services accessible on top of the 14 years since the 504 regs became effective in 1977.

\* We should expect a lot of media attention on ADA as this date approaches--ATTACHED ARE THREE AP WIRE STORIES ON STATE AND LOCAL GOVERNMENT ADA COMPLIANCE--FROM MASSACHUSETTS, MICHIGAN, AND WASHINGTON STATE. The articles are actually good--KEY POINTS:

--Compliance is uneven across the country--a lot has been done, but quite a bit remains. [No surprise.]

--ADA is a program or service accessibility law, not one that mandates complete architectural accessibility. State or local government don't have to make their buildings accessible--if they can figure out another way to provide services to their disabled citizens.

(KANSAS EXAMPLE: In Scott County, the county commissioners moved the courtroom from an inaccessible second floor to the accessible first floor, and then moved many county offices to the second floor. There is a buzzer on the first floor, and when pressed a clerk comes downstairs to take care of any business on the second floor for anyone who can't make it upstairs.)

--Curb cuts are probably the biggest single expense faced by most cities and towns.



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**MANY CITIES SLOW IN REMOVING BARRIERS FOR DISABLED<**

By JONATHAN YENKIN Associated Press Writer

BOSTON (AP) Almost five years after Congress passed a sweeping law to open government's doors to the disabled, many public buildings still don't have elevators, modified bathroom stalls or doorways wide enough for wheelchairs.

And most cities won't have the mandated improvements in place by next month's deadline.

"There's no city or town on the face of this Earth that's going to be 100 percent fully in compliance," says Lowell Haynes, a planner for Newton, Mass., which has a schedule of projects going into 1997.

The 1990 Americans with Disabilities Act has been hailed as the most significant civil rights legislation since the 1964 law prohibiting racial discrimination.

It bans discrimination against the disabled in job opportunities, public accommodations, transportation and telecommunications. About 49 million Americans have disabilities.

Under the law, local governments have until Jan. 26 to make structural changes ensuring that disabled people have access to their services. Governments that miss the deadline can be fined up to \$50,000 for the first violation and \$100,000 for subsequent violations.

"Frankly, we've found just in the last two or three months there seems to be a scramble on by cities and towns to get something in the works so they can plead not guilty," said Bob Williams, president of The Access Group, a consulting firm in Woburn, Mass.

Hamilton Brown, an expert on the law for the National Association of Towns and Townships, said many governments haven't evaluated the accessibility of their services a step that was required two years ago.

Of those that have done the evaluations, he estimated only about half have made the necessary structural changes.

In Grand Rapids, Mich., the city expects to comply with the law for its most heavily used public buildings. But other jobs remain, such as curb cuts to make sidewalks accessible to wheelchairs at intersections.

In Massachusetts, a recent legislative report found nearly one-third of the police departments in the state don't comply with the federal law.

The town of Swampscott, north of Boston, was recently ordered to move public meetings out of its historic town hall because people in wheelchairs couldn't get inside the building.

"I think there's a long ways to go," said Raymond S. Davis, acting director of the National Council on Disability. "From what I'm hearing, cities and towns are late getting into the game."

Many officials say the cost of refurbishing buildings is prohibitive. The U.S. Conference of Mayors has estimated the law will cost cities more than \$2 billion through 1998.

The Justice Department has sought to allay fears by telling



communities that if they can't alter a building, they can find alternate ways to accommodate people with disabilities.

For example, an agency that is inaccessible on a second-floor can make arrangements to serve disabled people on the ground floor.

But Attorney General Janet Reno has made it clear that the department plans to enforce compliance.

"Too many have taken a wait-and-see attitude to determine whether the Justice Department is serious about forcing compliance," Reno said in July. "I have just one answer: We are serious."

Some advocates for the disabled say legal action might be needed to prod some communities into action.

"The notice was sent out in 1990, so they have had time," Davis said. "If they are just getting started in the last few months, it tells me they are not going to do anything until they are forced."

The Justice Department's toll-free number for advice on the act is: 1-800-514-0301 or (TDD) 1-800-514-0383. Its hours are 10 a.m. to 6 p.m. EST Monday through Friday, except Thursdays, 1 p.m. to 6 p.m. Spanish language information is available.



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**MICHIGAN MAKING PROGRESS IN COMPLYING WITH DISABLED ACCESS LAW<**  
By BRIAN S. AKRE Associated Press Writer

School officials in Boyne City didn't have the money to make the small town's 68-year-old gymnasium accessible to the disabled. So they decided to close it next month, angering many residents who use it.

The move was unnecessary and an example of how local officials often misinterpret the Americans With Disabilities Act, supporters of the federal law say.

The law requires public services and programs to be made accessible to the disabled. That does not always mean physical renovations to buildings where the services are provided.

"Unfortunately, this is one of the least understood provisions of the law," said Patrick Cannon, executive director of the Michigan Commission on Handicapper Concerns.

"A lot of people think the ADA will force school districts and cities to spend millions of dollars they don't have. That's not the case."

Overall, Michigan's municipalities, school districts and the state have made progress in complying the law, Cannon said.

While many public agencies in Michigan will not meet the law's Jan. 26 deadline to make all public buildings and programs accessible, enough headway has been made in most cases to avoid any problems, he said.

Robin Jones, director of the Great Lakes Disability and Business Technical Assistance Center in Chicago, said that after Jan. 26 the disabled will be able to file complaints under the ADA to force access to public services.

"There are no ADA police," she said. "It's going to be an issue of citizens who know their rights and file complaints."

Kalmin Smith, a state Labor Department official who heads the state ADA committee, said federal officials have told him Michigan is far ahead of most other states in meeting the law's requirements.

That is due in part to a state law passed in the mid-1970s that set standards for handicapped access to private and public buildings. In some areas where the standards differ, the state may seek exemptions, Smith said.

In Boyne City, school officials thought they had no choice but to close the middle school's cafeteria-gymnasium building, which has a gym on the second floor.

The cost of installing an outside elevator was estimated at between \$200,000 and \$400,000. The board thought spending that much would be foolish given the building's age. The school district's attorney said that didn't matter, that the law allowed exceptions only if the cost would pose an "undue burden" on the district.

The district has gone to voters four times for a tax increase to pay for a new middle school, which would include a new gym. Each time, the voters said "no."

So the school board recently decided to close the gym on Jan. 26.

"I'm getting all kinds of heat from our community because



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**GOVERNMENT OFFICES MORE ACCESSIBLE, CRITICS SAY MORE NEEDED<**

SPOKANE, Wash. (AP) Government agencies in Washington have spent millions of dollars to comply with a federal law requiring improved access for the handicapped, but critics of the efforts say there is much left to be done.

"We're still far from perfect, but things are getting better," said Spokane County Auditor Bill Donahue, who previously couldn't get his wheelchair into the restrooms near his second-floor office.

Government agencies were required to make their buildings more accessible under the 1990 Americans with Disabilities Act. The deadline for compliance is Jan. 26.

Washington has spent \$9.3 million on improvements to state facilities, including installation of wheelchair ramps, elevators, bathroom remodeling and telephones for the hearing impaired. The two-year budget proposed this month by Gov. Mike Lowry includes another \$9 million for improvements.

The city of Spokane has spent about \$100,000 to comply with the law, Affirmative Action Director Dorothy Webster said. Improvements include new electric doors, assisted listening devices at City Hall and the Opera House and a wheelchair ramp in City Council chambers.

Spokane County has spent about \$205,000 on improved building access, new telephones and signs printed with Braille and raised letters.

The county and city both spent less than officials had expected when the Americans with Disabilities Act passed.

"You'll find that the Washington state (building) code is a little more strict than the ADA codes," said Wes Whaley, director of maintenance for Spokane County buildings.

"This hasn't been as big a shock to our state as it was in some other states," he said.

National disabled-advocate groups have criticized lagging efforts in some areas. In Massachusetts, for example, a legislative report found that one-third of that state's police departments aren't in compliance with the disabilities law.

Local governments in Washington have not reported significant difficulty complying, a spokeswoman for the Governor's Committee on Disability Issues and Employment said.

Wiley Marks, executive director of the Coalition for Responsible Disabled, contended improvements around Spokane were relatively cheap because local agencies haven't done enough.

"If you want a real eye-opener, go with somebody in a wheelchair who needs to get from one side of town to another side," he said. "If they've been doing it for awhile, they know which way to go, and it's not necessarily the shortest route."

The new Spokane Public Library has been criticized for handicap access. The U.S. Department of Education is investigating complaints that parking spaces for the disabled are too far from the library entrance and that the route is too steep for wheelchairs. Library administrators say they've



the men's basketball league wants to use it," Superintendent Bob Nakoneczny said.

At a meeting last week, Cannon and Jones told the board it could keep the gym open as long as it tried to accommodate the disabled and made efforts to resolve the problem in the long term.

"We want jobs and access to government services," said Cannon, who is blind. "It's not our intention to shut down a school building so others can't use it either."

Nakoneczny said the board probably will reverse its decision at a meeting next month. But no public assemblies will be held there. Middle school basketball games already are being played at another school.

"And that still does not prevent a handicapped individual from filing a complaint because they can't go up there and watch a men's basketball league game," he said.

Eventually, the district will either have to spend money to renovate the 1926 building or tear it down, Nakoneczny said.

Jones, who provides ADA information to agencies throughout the Great Lakes region, said misunderstanding of the law is most common in small towns. The elected officials often serve part-time and have no in-house legal counsel, so it is difficult for them to keep up on legal issues.

Small-town buildings also tend to be older with major access problems, like entrances at the top of stairs, and second-floor meeting rooms, Jones said.

In larger towns, the problem more often is the sheer volume of work required. Grand Rapids, for example, expects to meet the law's requirements for its most used public buildings. But there's a backlog of curb cuts to make sidewalks accessible to wheelchairs at intersections.

Curb cuts will cost Grand Rapids about \$9 million and represent about 90 percent of its ADA expenses, said Ingrid Scott-Weekley, city equal opportunity director.

"There's just no way we can get that done soon. Think of the number of curbs in a city at every intersection it's just extremely costly."



complied with the disabilities act.

The Department of Education won't release details until its investigation is complete.

Bill Blaine, whose daughter uses a wheelchair, has sent some 50 letters to federal agencies asking them to investigate alleged violations of the disabilities act around Spokane.

"It's almost like the city and the county are trying to avoid compliance," he said.

Some agencies and facilities have sought input from the disabled on their needs. Spokane County's Public Facilities District formed a committee of disabled residents to help design the Spokane Veterans Memorial Arena, which will open next year.

Spokane International Airport took advice from a similar group before deciding on \$5 million in improvements.


Marks said such efforts are a step in the right direction.

"If some of those other organizations were making the same effort, we could work with that," he said.



File

MEMORANDUM

Date: December 28, 1994  
To: Senator Dole  
From: Alec Vachon   
Re: CONVERSATION WITH TONY COELHO

\* I heard a rumor that Tony had spoken with Gingrich about ADA--and called Tony. He in fact called Gingrich recently about ADA. They entered Congress together in 1979 and have a longstanding relationship.

\* Coelho described his conversation w/Gingrich:

--Coelho reminded Newt that in 1989 he came to him and asked him to designate Republican members to work on ADA. Newt designated Cong. Steve Bartlett (now Mayor of Dallas) and Cong. Steve Gunderson. Coelho appreciated Gingrich's help then, which kept ADA from becoming a partisan issue in the House (and Bush got a lot of credit as a result).

--Coelho was calling to make sure Newt was not going back on their original discussion--not as a threat, but Coelho would have to take this issue on if he were.

--Newt replied that his commitment still stood--that any action on ADA--hearings or whatever--would be bipartisan, and that the disability community would be involved. Newt felt that sometimes the intent of a bill is lost in the regulations or enforcement, and at the very least needed periodic review. Coelho asked Newt if it was okay to pass on the substance of their conversation, and Newt said, "yes."

\* Coelho has heard that Rep. Tom DeLay (R-Texas), incoming House majority whip, is very negative about ADA. Incidentally, DeLay announced on December 14th formation of Project Relief, a coalition to advocate reform of the government regulatory process. Project Relief's chairman is Bruce Gates, vice president of the National American Wholesale Grocers' Association.



maximize space and are easier to install than separate fixtures. The NPRM asked whether these type of units are actually required in cells and whether combination units that fully meet ADAAG requirements are available.

*Comment.* Several corrections officials indicated that they were unaware of any combination unit that fully complies with ADAAG. Corrections officials of some States, such as California, Florida, and Michigan, noted that separate fixtures are used in accessible cells. Manufacturers confirmed that the standard design of combination units, including those otherwise considered accessible by the industry, do not fully meet ADAAG requirements. Specifically, the standard design of these units cannot easily incorporate the 36 inch long rear grab bar required by ADAAG. Several commenters, including a design firm, thought that it may be possible to install a grab bar of shorter length, perhaps up to 24 to 26 inches, on some units. According to one correction official, however, mounting a 26 inch grab bar on the unit would double the amount of space required

"technically infeasible" to comply with ADAAG as part of an alteration, compliance is only required "to the maximum extent feasible." Compliance with ADAAG that necessitates the removal of walls may constitute "technical infeasibility" in many cases. The term "technical infeasibility" is further discussed under ADAAG 12.4.5 (Alterations to Cells or Rooms).

*Comment.* The specifications for toilet rooms in ADAAG 4.22 and for bathing facilities in ADAAG 4.23 include requirements for grab bars at toilets, showers, and tubs. In the prison environment, such elements must be properly secured so that they cannot be removed and used as weapons. As discussed in ADAAG 11.4.2, the NPRM asked whether grab bars can be installed without creating a security risk. A majority of comments, including those from corrections officials, indicated that grab bars do not pose a risk to security if mounted properly. Several State corrections agencies offered certain methods of securement, such as the use of steel imbeds. Some of these suggestions were qualified as being able to reduce, but not necessarily eliminate

cannot be based solely on cell design. Some comments considered it impossible to design a cell that is "suicide-free" and noted that the risk posed by grab bars is not very different from the risk already posed in many existing prisons or holding cells by cell grillage, bed frames, and air circulation vents. Many of these commenters stressed the importance of appropriate supervision and classification of inmates and detainees in curbing the risk of suicide. The California Board of Corrections, which oversees local and county facilities, stated that:

The best deterrent to such activity is staff supervision and appropriate classification of inmates to identify possible suicide candidates. Another consideration is that grab bars are often located in open areas where staff visibility is optimum. Finally, California requires grab bars adjacent to all water closets in detoxification cells due to the potential for injury to intoxicated arrestees and there is no information to indicate an increase[d] suicide potential in these cells due to grab bars.

*Response.* The response from a majority of corrections officials indicates that supervision and

\* RECEIVE STOPPED \*



**U.S. Department of Justice**  
**Civil Rights Division**  
*Public Access Section*



To: Alexander Vaschon

Organization: \_\_\_\_\_

Phone: \_\_\_\_\_

Fax: (202) 228-4569

From: John Wodatch

Organization: Public Access Section

Phone: (202) 307-0663 (Voice & TDD)

Fax: (202) 307-1198

Notes: \_\_\_\_\_  
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(including cover sheet)



Circa Dec 1994  
National League  
Cities

RESOLUTION - #5

AMERICANS WITH DISABILITIES ACT RESOLUTION

WHEREAS, local elected officials understand the need and support efforts to integrate individuals with disabilities into the mainstream of society; and

WHEREAS, local elected officials support the intent of the Americans with Disabilities Act (ADA) as a means to providing individuals with disabilities with increased employment opportunities and access to services and facilities; and

WHEREAS, cities and towns must be in compliance with the ADA by January 25, 1995; and

WHEREAS, local elected officials remain concerned that ADA compliance deadlines and implementation costs impose considerable burdens on cities and towns.

NOW, THEREFORE BE IT RESOLVED that the National League of Cities supports the promulgation of regulations and/or the enactment of legislation which would extend the ADA's compliance deadline for cities and towns; and

BE IT FURTHER RESOLVED that the National League of Cities supports the promulgation of regulations and/or the enactment of legislation which would reduce implementation costs by providing cities and towns with greater flexibility to target scarce resources in a manner that would permit local elected officials to meet the needs and priorities of the disability community within their city.



## ADA Subject of Resolution Passed by League of Cities

A National League of Cities (NLC) resolution will allow the organization to focus on how its members can implement the Americans with Disabilities Act (ADA). Cities and towns are required to be in ADA compliance by Jan. 25, 1995.

Advocates of people with disabilities are concerned the resolution will bring more negative attention to the four-year-old ADA.

NLC contends municipalities are willing to implement the ADA. But it also says there needs to be more flexibility in prioritizing requirements and more time to reach full compliance.

"Cities and towns feel it's important to know what issues are first and foremost with [disability organizations]," said Berrie Tabin, NLC's counsel. "They want to work toward full compliance."

Making ADA accommodations is yet another expense for federal regulations cities and towns have to take out of their budget, she said.

Other regulations, including environmental and public safety, demand just as much attention as the ADA, Tabin told *RDP*. But she stressed that "cities and towns are not looking to get out from under the law."

### Another Unfunded Mandate

Despite the importance of the law, Tabin said there is good reason the resolution comes on the coattails of the national discussion about unfunded mandates.

Municipalities see the ADA as an unfunded mandate "because it says you have to do something and no federal funds are provided," she said. And the vague language of the ADA has made the "rigid compliance" requirements even more difficult to meet, she added.

"Cities and towns see the importance of the law, but they feel it's important to know that the accommodations are expensive," she said.

The resolution provides NLC with an official focus on the ADA for 1995, said Sharon Anderson, NLC's manager of policy analysis and development. "It is not a repudiation of the ADA," she said. It will allow NLC to work more with local disability rights organizations.

The resolution states NLC "supports the promulgation of regulations and/or the enactment of legislation which would reduce implementation costs by providing cities and towns with greater flexibility ...."

NLC has not been working on legislative changes to the ADA, Tabin said, either at the local level or national level.

### Informing and Educating

Instead, Tabin said the organization has been working more intently on informing and educating members about their responsibilities to comply with the ADA.

NLC also has applied for a grant from the Department of Education for education and training to help train city officials and ADA coordinators, Tabin said. NLC also will feature a course on ADA compliance before its national conference in March 1995.

## ED Awards AFB Grant For Video Research

People with visual impairments may have the opportunity to enjoy television thanks to a grant to American Foundation for the Blind (AFB) for research on video description, which narrates characters' actions.

The Department of Education, through the Office of Special Educational and Rehabilitative Services, has awarded AFB a \$500,000-grant for a two-year project researching the audience of described videos and the marketing of the videos.

"We are aware that this project is especially important in that it will contribute research evidence at a critical stage in the development of government policy regarding access to information," said Corinne Kirchner, director of AFB's programs and policy research.

The project will investigate the potential audience for video description and will determine the best method of delivering this service to the visually impaired and other users.

The AFB will contact video description consumers to assess how the technology has affected their lives. AFB also will interview people to determine their familiarity with video description and their needs and interest in television viewing.



Membership: U.S. and foreign letter and printing shops that engage in direct mail advertising. Serves as a clearinghouse for members on improving methods of using the mails for advertising.

**National Federation of Nonprofits**, 815 15th St. N.W., #822 20005; 628-4380. Lee M. Cassidy, executive director. Fax, 628-4383. Membership: organizations that mail nonprofit second-, third-, or fourth-class mail. Serves as liaison between members and the U.S. Postal Service.

**Parcel Shippers Assn.**, 1211 Connecticut Ave. N.W., #610 20036; 296-3690. David A. Bunn, executive vice president. Fax, 296-0343. Works to improve parcel post rates and service; represents members before the Postal Rate Commission in matters regarding parcel post rates.

## STAMPS/POSTAL HISTORY

**Samuel Gompers Stamp Club**, P.O. Box 1233, Springfield, VA 22151; (703) 451-7008. Edwin M. Schmidt, secretary-treasurer. Membership: active and retired trade union members and other philatelists with an interest in labor topics. Promotes the creation and collection of trade union stamps and trade union philatelist memorabilia.

## PUBLIC ADMINISTRATION

**American Society for Public Administration**, 1120 G St. N.W., #700 20005; 393-7878. John P. Thomas, executive director. Fax, 638-4952. Disseminates information about public administration. Promotes high ethical standards for public service.

**Assn. of Government Accountants**, 2200 Mount Vernon Ave., Alexandria, VA 22301; (703) 684-6931. Lee Woods, executive director. Fax, (703) 548-9367. Membership: individuals engaged in government accounting, auditing, budgeting, and information systems.

**Federally Employed Women**, 1400 Eye St. N.W. 20005; 898-0994. Karen Scott, executive director. Fax, 898-0998. Works to eliminate sex discrimination in government employment and to increase job opportunities for women.

**International City and County Management Assn.**, 777 N. Capitol St. N.E. 20002; 962-3610. William H. Hansell Jr., executive director. Fax, 962-3500. Membership: city and county managers, council of government directors, and municipal administrators. Sponsors a training institute that offers correspondence courses in municipal administration. Library open to the public by appointment.

**International Personnel Management Assn.**, 1617 Duke St., Alexandria, VA 22314; (703) 549-7100. Donald K. Tichenor, executive director. Fax, (703)

684-0948. Membership: personnel professionals from federal, state, and local governments. Provides information on training procedures, management techniques, and legislative developments on the federal, state, and local levels.

**National Academy of Public Administration**, 1120 G St. N.W., #850 20005; 347-3190. R. Scott Fosler, president. Fax, 393-0993. Membership: scholars and administrators in public management. Offers assistance to federal, state, and local government agencies, public officials, foreign governments, foundations, and corporations on problems related to public administration.

**National Assn. of Schools of Public Affairs and Administration**, 1120 G St. N.W., #730 20005; 628-8965. Alfred M. Zuck, executive director. Fax, 626-4978. Serves as a clearinghouse for information on public administration and public affairs programs in colleges and universities. Accredits masters degree programs.

**National Women's Political Caucus**, 1275 K St. N.W., #750 20005; 898-1100. Mary Beth Lambert, political director. Fax, 898-0458. Seeks to increase the number of women in policy-making positions in federal, state, and local government. Identifies, recruits, trains, and supports women candidates for public office.

**Women in Government Relations, Inc.**, 1029 Vermont Ave. N.W., #510 20005; 347-5432. Janet Allen, executive director. Fax, 347-5434. Membership: professionals in business, trade associations, and government whose jobs involve governmental relations at the federal, state, or local level. Serves as a forum for exchange of information among its members.

## STATE AND LOCAL GOVERNMENT

**Academy for State and Local Government**, 444 N. Capitol St. N.W., #345 20001; 434-4850. Enid F. Beaumont, director. Fax, 434-4851. Promotes cooperation among federal, state, and local governments; the private sector; and researchers. Interests include tax policy, finance, and state and local relations. Works to improve state and local litigation in the Supreme Court.

**American Legislative Exchange Council**, 214 Massachusetts Ave. N.E., #240 20002; 547-4646. Samuel A. Brunelli, executive director. Fax, 547-8142. Conducts research and provides information and model state legislation on public policy issues. Supports the development of state policies to limit government, expand free markets, promote economic growth, and preserve individual liberty.

**Center for Policy Alternatives**, 1875 Connecticut Ave. N.W., #710 20009-5728; 387-6030. Linda Tarr-Whelan, president. Fax, 986-2539. Clearinghouse and research center that assists state and local officials in



developing policy initiatives. Interests include state and local economic development and tax reform, toxic chemicals and environmental problems, governmental reform, health policy, voter registration, and women's rights issues.

**Coalition of Northeastern Governors**, Policy Research Center, 400 N. Capitol St. N.W., #382 20001; 624-8450. Anne D. Stubbs, executive director. Fax, 624-8463. Membership: governors of nine northeastern states (Conn., Maine, Mass., N.H., N.J., N.Y., Pa., R.I., Vt.). Addresses common issues of concern such as energy, economic development, employment, transportation, and the environment.

**Council of Governors Policy Advisors**, 400 N. Capitol St., #390 20001; 624-5386. Alice Tetelman, executive director. Fax, 624-7846. Membership: chiefs of staff, policy directors, agency heads, and other top policy advisers. Provides a forum to share ideas on policy development and to debate issues. Affiliated with National Governors Association.

**Council of State Governments**, 444 N. Capitol St. N.W. 20001; 624-5460. Abe Frank, director, Washington office. Fax, 624-5452. Membership: governing bodies of states, commonwealths, and territories. Promotes interstate, federal-state, and state-local cooperation. (Headquarters in Lexington, Ky.)

**Government Finance Officers Assn.**, 1750 K St. N.W., #650 20006; 429-2750. Catherine L. Spain, director, federal liaison center. Fax, 429-2755. Membership: state and local government finance managers. Conducts research in public fiscal management, design and financing of government programs, and formulation and analysis of government fiscal policy. (Headquarters in Chicago.)

**Municipal Treasurers' Assn. of the United States and Canada**, 1229 19th St. N.W. 20036; 833-1017. Stacey Crane, executive director. Fax, 833-0375. Provides continuing education and certification programs.

**National Assn. of Bond Lawyers**, 2000 Pennsylvania Ave. N.W., #9000 20006; 778-2244. Amy K. Dunbar, director, governmental affairs. Fax, 778-2201. Membership: municipal finance lawyers. Provides members with information on laws relating to the borrowing of money by states and municipalities and to the issuance of state and local government bonds. (Headquarters in Hinsdale, Ill.)

**National Assn. of Counties**, 440 1st St. N.W., 8th Floor 20001; 393-6226. Larry Naake, executive director. Fax, 393-2630. Membership: county officials. Conducts research, provides information, and offers technical assistance on issues affecting counties.

**National Assn. of Regional Councils**, 1700 K St. N.W., #1300 20006; 457-0710. John W. Epling, executive director. Fax, 296-9352. Membership: regional councils of local governments. Works to improve local

governments' ability to deal with common public needs, address regional issues, and reduce public expense.

**National Assn. of State Budget Officers**, 400 N. Capitol St. N.W., #299 20001; 624-5382. Brian Roherty, executive director. Fax, 624-7745. Sponsors training institutes on fiscal management; publishes research reports on state budget-related issues. (Affiliate of the National Governors' Assn.)

**National Assn. of Towns and Townships**, 1522 K St. N.W., #600 20005-1202; 737-5200. Jeffrey H. Schiff, executive director. Fax, 289-7996. Provides local government officials from small jurisdictions with technical assistance, educational services, and public policy support; conducts research and coordinates training for local government officials nationwide.

**National Conference of State Legislatures**, 444 N. Capitol St. N.W., #515 20001; 624-5400. Carl Tubbesing, director, Washington office. Fax, 737-1069. Coordinates and represents state legislatures at the federal level; conducts research and publishes reports in areas of interest to state legislatures; conducts an information exchange program on intergovernmental relations. (Headquarters in Denver.)

**National Conference of State Societies**, Box 180, LHOB, Washington, DC 20515; 686-6292. Virginia C. Haven, vice president. Membership: delegates representing the United States, its territories, and the District of Columbia. Sponsors educational, cultural, and civic programs.

**National Governors' Assn.**, 444 N. Capitol St. N.W., #267 20001; 624-5300. Raymond C. Scheppach, executive director. Press, 624-5330. Fax, 624-5313. Membership: governors of states, commonwealths, and territories. Provides members with policy and technical assistance. Makes policy recommendations to Congress and the president.

**National Institute of Municipal Law Officers**, 1000 Connecticut Ave. N.W., #902 20036; 466-5424. Benjamin L. Brown, general counsel. Fax, 785-0152. Organization of cities and municipalities that are represented through their chief legal officers. Acts as a research service for members in all areas of municipal law; participates in litigation of municipal and constitutional law issues.

**National League of Cities**, 1301 Pennsylvania Ave. N.W. 20004; 626-3000. Donald Borut, executive director. Information, 626-3120. Press, 626-3158. Fax, 626-3043. Membership: cities and state municipal leagues. Provides city leaders with training, technical assistance, and publications; investigates needs of local governments in implementing federal programs that affect cities.

**Public Risk Management Assn.**, 1117 N. 19th St., #900, Arlington, VA 22209; (703) 528-7701. Dennis Kirschbaum, executive director. Fax, (703) 528-7966.

1,400



Membership: state and local government risk management practitioners, including benefits and insurance managers. Develops and teaches cost-effective management techniques for handling public liability issues.

**Public Technology**, 1301 Pennsylvania Ave. N.W. 20004; 626-2400. Costis Toregas, president. Fax, 626-2498. Cooperative research, development, and technology-transfer organization of cities and counties in North America. Assists local governments in increasing efficiency, reducing costs, improving services, and developing public enterprise programs to help local officials create revenues and serve citizens.

**U.S. Conference of Mayors**, 1620 Eye St. N.W., 4th Floor 20006; 293-7330. J. Thomas Cochran, executive director. Fax, 293-2352. Membership: mayors of cities with populations of 30,000 or more. Promotes city-federal cooperation; publishes reports and conducts meetings on federal programs, policies, and initiatives that affect urban interests.

## Health

### HEALTH

#### GENERAL

**American Assn. for World Health**, 1129 20th St. N.W., #400 20036; 466-5883. Richard L. Wittenberg, president. Fax, 466-5896. Works to inform Americans about world health problems and increase American support for organizations dealing with these problems.

**American College of Preventive Medicine**, 1015 15th St. N.W., #403 20005; 789-0003. Hazel K. Keimowitz, executive director. Fax, 289-8274. Membership: physicians in general preventive medicine, public health, occupational medicine, and aerospace medicine.

**American Industrial Health Council**, 1330 Connecticut Ave. N.W., #300 20036; 659-0060. Ronald A. Lang, president. Fax, 659-1699. Coalition of industrial firms and trade associations concerned about potential health effects associated with industrial and commercial activities.

**American Medical Informatics Assn.**, 4915 St. Elmo Ave., #302, Bethesda, MD 20814; (301) 657-1291. Gail Mutnik, executive director. Fax, (301) 657-1296. Provides information on medical systems and use of computers in the health care field. Promotes use of computers and information systems in patient care.

**American Osteopathic Healthcare Assn.**, 5301 Wisconsin Ave. N.W., #630 20015; 686-1700. David Kushner, president. Fax, 686-7615. Conducts educational programs on management techniques for executives of member hospitals.

**American Public Health Assn.**, 1015 15th St. N.W., #300 20005; 789-5600. Dr. Fernando Trevino, executive director. Fax, 789-5661. Interests include all aspects of health care and education.

**Assn. for the Advancement of Health Education**, 1900 Association Dr., Reston, VA 22091; (703) 476-3437. Becky J. Smith, executive director. Fax, (703) 476-6638. Membership: health educators and allied health professionals in community and volunteer health agencies, educational institutions, and businesses. Develops health education programs.

**Assn. of Teachers of Preventive Medicine**, 1015 15th St. N.W., #405 20005; 682-1698. Kay B. Doggett, executive director. Fax, 842-1980. Works to advance education in preventive medicine; interests include public health, clinical prevention, and aerospace and occupational medicine.



PARALYZED VETERANS OF AMERICA  
801 18TH ST. NW  
WASHINGTON, D.C. 20006  
(202) 416-7706 (FAX)

FAX MEMORANDUM

PLEASE DELIVER THIS FAX

TO: Alexander Vachon

FROM: Maureen McCloskey  
Advocacy Director  
(202) 416-7696 (Voice)  
(800) 795-4327 (TDD)

DATE: January 4, 1995

PAGES INCLUDING THIS COVER: 4



## Consortium for Citizens with Disabilities

FAX TRANSMISSION - 2 pages

To: CCD Organizations  
From: Celane McWhorter  
Date: January 3, 1995

### ***JUSTIN DART TESTIFYING ON UNFUNDED MANDATES -- RALLY THE TROOPS !!!!***

Justin Dart will testify on unfunded mandates legislation at Joint Senate Governmental Affairs Committee and Budget Committee hearings on Thursday morning -- 9:30 -- Room 216 Hart Building.

***Let's pack the hearing room with the disability community!!!***

While it appears that the Senate Committee unfunded mandates bill will retain the Kempthorne-Glenn protections from last year for civil rights programs and programs that are discretionary to the states (except for the entitlements in OBRA 1991), ADA and IDEA are clearly targets in the broader Contract with America.

### **WE CAN TAKE NOTHING FOR GRANTED!!**

And, even with these protections, many programs of importance to the disability and other public interest communities will be jeopardized by unfunded mandates legislation.

***It is essential that we seize every opportunity to display a strong and unified disability presence to the House and Senate. Thursday morning will be the first of many times that we will want to flex our political muscle on the Hill.***

Remember to arrive early to assure a place in the hearing room.

\*\*\*

Two other hearings scheduled for Thursday:

**\*\* Senate Judiciary Committee on the Balanced Budget Amendment - 10:00; 226 Dirksen Building.**

**\*\* House Ways and Means has four scheduled hearings on Contract with America: Thursday, 1:00; Tues., January 10-10:00; Wed., January 11-10:00; Thurs., January 12 - 10:00. All of the hearings will be in 1100 Longworth House Office Building.**



**NPND FAX TREE ACTION ALERT!!!!**

December 20, 1994

**UNFUNDED MANDATE CRISIS****IMMEDIATE ACTION REQUIRED!!!!**

The US Congress, initiated through action in the Senate, will likely take up "unfunded mandates" during the first week of January (Jan. 3). Senator Kempthorne is trying to push a bill that will call for "no money, no mandates". The result of this bill will be to undue long-standing federal protections of all types.

If a state or local government is not given funding for the mandate, then they would not need to comply. Nearly all civil rights protections such as various special education (IDEA) requirements are being viewed as unfunded mandates. Other mandates include minimum wage laws, pollution and Medicaid.

**This is happening with enormous speed!!!!**

**ACTION STEPS:**

1. **Contact your Senators and the White House to oppose "no money, no mandates" legislation.**
2. **Communicate through Western Union Telegrams. There are already 5 rotating messages in place that you can utilize. Here's how:**
  - Step 1:** Dial Western Union's toll-free #: 1-800-651-1424
  - Step 2:** Give the operator your name, organization (if any), address, zip code, and telephone number.
  - Step 3:** One of 5 rotating messages (50 words long) will be sent to your Senators and to Leon Panetta at the White House urging them to stop "no money, no mandate" legislation.
  - Step 4:** Your VISA or Mastercard will be billed \$5.50 for sending three messages.

**Sample Message:** I strongly urge you to oppose "no money, no mandate" legislation in any form. This language would undermine vital public protections. My basic rights, from having access to a free, appropriate public education for my kids to civil rights protections, from workplace safeguards to safe drinking water, would be jeopardized. This is not acceptable.

**THERE IS NO TIME TO WASTE. THE CONGRESS WILL ACT WITHIN TWO WEEKS. PICK UP THE PHONE!!!!**

**DO IT NOW!!!!**



## Face-to-Face District Meetings

The most effective tools we can use to educate our Members of Congress, new and old, is a face to face meeting. For new members, this will be a great opportunity to introduce your organization. For old members, it is crucial to let them know that our disability laws are important to us. District meetings will be taking place all over the country, but we must remember that only we have a short window of opportunity. There has been a promise to vote on all the bills behind the Contract with America in the first 100 days of the new Congress.

Below is a timeline and meeting request letter to aid you in your organizing efforts:

### Sample Timeline

December 20-31:

Write a letter requesting meeting.

Contact a diverse coalition to attend meeting (i.e. groups representing persons with mental or physical disabilities, labor, health, and vulnerable populations groups.)

January 1-14:

Follow up with scheduler, find out recess times and locations, and confirm a date for the meeting. Do persistent, call every other day.

If you have time, send a packet to the member including confirmation letter, tentative agenda, information on groups attending including membership numbers (pamphlet).

January 15-21:

Schedule a pre-meeting with your coalition. Decide on goals, message, what you are going to ask, etc.

January 22-31:

Meet with your congressperson. Be sure to take notes and follow up with anything you may have promised during the meeting.

Remember to write a thank you note.

### Sample Letter to Request Meeting

Date, 1994

The Honorable \_\_\_\_\_  
U.S. Senate  
(use district address)

Dear Senator \_\_\_\_\_

On behalf of the diverse members of the disability communities of (YOUR STATE), I am writing to request a meeting in person with you in your district office to discuss the fine print in the Contract with America. We believe that all individuals, added by an enabling government, should have the freedom and opportunity to exercise individual decisions concerning their own lives, welfare and personal dignity. We envision a society in which communities are fully accessible to all individuals with disabilities and their families, where they are included and fully participate in all aspects of community life.

Due to the profound implications of the Contract with America for persons with disabilities and the fact that these bills will be introduced within the first 100 days, we believe it is extremely important to meet with you as soon as possible. I will be contacting your scheduler within the next few days to arrange an appointment at your earliest convenience.

Approximately (##) people representing (list organizations) look forward to meeting with you and hearing your views on these issues.

Sincerely,



development opportunities.

## Odds and Ends

**L**AS VEGAS'S Lady Luck casino hotel marked "one of America's greatest birthday celebrations" with a discount package for a slot-machine tournament to celebrate the Martin Luther King Jr. holiday last week. The invitation went to thousands of black households in addition to the casino's regular mailing list. The casino says the four-day event drew its target of about 250 guests, about half black. It hopes for similar ethnic success in promoting the first weekend in February, Chinese New Year.

## Armish Over Borders, Patent Office Is Called In

at a Taco Bell in New York.

Several attempts to settle the dispute proved fruitless. Meanwhile, Blimpie got rid of the three USA Border Cafes it had opened in New York state. "We're out of the Tex-Mex business. That's for sure," says David Siegel, Blimpie's executive vice president.

But the squabble continued and got even spicier when Brinker International Inc. bought the On the Border chain last May. With more than \$875 million in annual revenue, the Brinker group — best known for its Chili's Grill & Bar chain — has much deeper pockets than On the Border.

Blimpie is asking for money to resolve the trademark tussle. On the Border's fight "prevented us from making some lucrative deals" to further develop the Mexican food concept, Mr. Siegel contends. "Their actions have cost us money and, as a result, they're going to pay for it."

Brinker, which continues to expand the 21-unit On the Border chain, isn't swallowing that argument. "We just don't see a whole lot of merit in their position," says Dave Tyner, Brinker's counsel. "We see no reason to get involved in payments of money."

The companies will have to wait at least six months for the Patent Office's ruling.

acquiring feature films is getting more aggressive," says Alan Sternfeld, senior vice president of program planning and scheduling at ABC Entertainment. The unit of Capital Cities/ABC bid against NBC for the Spielberg package. "A feature film can give a network a leg up in the ratings because they are known quantities and easier to promote."

When "Jurassic Park" airs on General

This document is from the collections at the Dole Archives, University of Kansas  
<http://dolearchives.uku.edu>

One executive at a major ad-buying agency said a "hindrance" is that NBC is "asking Super Bowl-type ad rates" but "won't likely deliver a Super Bowl-size audience." The last two Super Bowls got a 66 share, or 66% of the viewing audience. Although the movie will bypass cable, it is

Source: Industry sources

being offered on pay-per-view services next month. It also has been available for sale on videocassette since October; about 20 million copies have been sold, according to Billboard magazine.

NBC estimates that "Jurassic Park" will get a 37 share of the viewing audience. That seems likely, since the most popular

LIVES REMAIN

"We would Park," but M did," says a HBO. "The s table when th "Jurassic movie in his theatrical fil Please Tr

## LEGAL BEAT

# Suits Loom Over Disability-Law Deadline

By WADE LAMBERT

Staff Reporter of THE WALL STREET JOURNAL

Lewis Tyler has been fighting City Hall in Manhattan, Kan., for years. Now he plans to take the city to court again, this time for not complying with tomorrow's deadline to make public facilities accessible to the disabled.

Mr. Tyler, partially paralyzed since 1982 when he was shot in the head while on duty as a policeman, has a list of improvements he says the city is obliged to make under the Americans With Disabilities Act, signed into law in 1990. Though Mr. Tyler can drive a specially equipped car, suitable parking spaces often aren't available. He is unable to use his wheelchair on most of the city's sidewalks because they lack curb cuts. And he can't attend many local sports events — including his daughter's softball games — because fields and tennis courts aren't accessible.

"I never, never thought I'd need to sue to get government services, but I was wrong," says Mr. Tyler, who won an ADA-related suit against his northeast Kansas town last summer and plans to soon file additional claims.

State agencies and local governments like the ones Mr. Tyler is fighting are bracing for a new round of litigation under the federal disabilities-rights law. That's because they haven't made such renovations as installing wheelchair ramps in Oakland, Calif., or Braille signs and guide rails for the blind in New York's City Hall. Some lawyers warn that the failure to comply with the deadline could expose local governments to huge damage

awards, as well as Justice Department prosecutions.

The looming battle, however, may hinge on just how much flexibility courts and the Justice Department give local governments that contend they are too hard pressed to pay for such improvements. Justice Department guidelines say public entities don't have to complete the renovations if they can show the work creates "undue financial or administrative burdens."

"A lot of public entities are, either intentionally or unintentionally, saying, 'Let's just wait and see,'" says Laura Rothstein, a law professor at the University of Houston who specializes in disability law.

Justice Department regulations that took effect in 1992 gave local governments until Jan. 26, 1995, to complete building and street improvements necessary to make programs and services accessible. Although many governments and agencies "went through the motions" and developed renovation plans that have since been shelved, "all of these things can be challenged in court now," says Robert Duston, an attorney at the Washington law firm Schmeltzer, Aptaker & Shepard who represents public and private employers in ADA cases. "The three-year safe harbor is over."

Because of cost concerns, the requirements that take effect this week have generated more controversy than some others under the ADA, which prohibits discrimination against the disabled and already requires many businesses to make their facilities accessible. The National

Association of Counties, for instance, projects that complying with the ADA would cost county governments nationwide a total of \$2.8 billion from 1994 to 1998.

"We aren't opposed to the ADA," says Tom Goodman, spokesman for the counties association. "We want to make the necessary changes to accommodate. But counties have to look at what [they] can afford to do now."

In New York City, Mark Leeds, director of the Mayor's Office for People With Disabilities, says that because of budget woes, many of the changes envisioned in New York's transition plans are no longer feasible. Moreover, he says, "many of the transition plans are out-of-date" and shouldn't be binding on the city.

"Will there be complaints? Sure there will be complaints," Mr. Leeds says. "All I can say is, this city is moving forward in good faith and as quickly as possible."

Kurt Level, an attorney for Manhattan, Kan., in the Tyler case, says cities often don't know that certain renovations are needed until they are brought to officials' attention. "The city isn't deliberately discriminating against Mr. Tyler or any other disabled person, but just isn't aware of many of the problems," says Mr. Level. He adds that, regarding Mr. Tyler's requests, "I am not aware of anything the city has been remiss on."

All of this irks advocates for the disabled and their lawyers. "The tone [of local officials] is that this is an ongoing problem, 'We're working on it' — as if there is no deadline. Well, there is a deadline," says Cary Lacheen, staff attorney with

Please Turn to Page B2, Column 3

## CORPO

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\*\*\* THE WALL STREET JOURNAL TUESDAY, JANUARY 24, 1995

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## Letters to the Editor

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### *Backlash Against the Disabled*

In response to your Jan. 6 editorial "Disabling Mandate":

Your editorial provides clear evidence of the absolute need for the Americans with Disabilities Act (ADA). It quite clearly demonstrates the prejudice and distortion of truth that has haunted the lives of people with disabilities in this country for decades. History proves that backlash directed at minority groups follows on the heels of major social achievement. I would like to set the record straight.

The ADA is and always will be a civil rights law. As a bipartisan congressional effort, ADA provides comprehensive civil rights protections to individuals with disabilities in the areas of employment, public accommodations, and state and local government services. As such, the 103rd and now the 104th Congress both saw fit to incorporate language in their unfunded mandates legislation that specifically excludes civil rights laws such as ADA.

The ADA provides the proper balance between the rights of people with disabilities and the legitimate concerns of state and local governments. It allows maximum flexibility and it does not place undue burdens on state and local governments to comply.

Unfortunately, there is a lot of fear and misunderstanding by state and local officials about the costs of compliance with the ADA. This fear is fueled by many lawyers and architects and those whose

only interest is to promote profits for themselves. Even more unfortunate is the fact that the Journal and other media buy into these myths about ADA, thus fueling these fears even more.

In your haste to castigate the ADA, let's not forget why the National Council on Disability recommended the ADA and Congress codified it. Remember, ADA is not a building code. It is a well-thought-out, well-written, cost-effective civil rights law that says people with disabilities will no longer be discriminated against in this country. As the agency mandated to monitor the implementation of the ADA, the council's findings clearly indicate that real people with disabilities say that the ADA works and that it has opened many doors.

You fail to mention how 49 million Americans with disabilities are helped every day by this historic civil rights law. We as people with disabilities continue to face discrimination in this country and the ADA is a giant step toward correcting that injustice.

MARCA BRISTO  
Chairperson

National Council on Disability  
Washington



01/25/95 07:37

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NCD

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# NATIONAL COUNCIL ON DISABILITY



## Facsimile Transmission

Date: 1-25

To: Dr. Vachon

From: Mark Quigley

Message: F.Y.I.

Number of pages including cover sheet: 2

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Dick Thornburgh  
2540 Massachusetts Avenue, N.W.  
Apartment 405  
Washington, D.C. 20008

November 16, 1994

Honorable Newt Gingrich  
Speaker-Designate  
United States House of Representatives  
Washington, D.C. 20515

Dear Newt:

Heartiest congratulations are due to you and your colleagues for taking control of the House and Senate for the Republican Party. You have a unique opportunity to put into place an agenda that will confront the priority concerns of every American. All Republicans wish you well in this endeavor.

May I register a dissent, however, from a remark attributed to you in Tuesday's edition of The Washington Post. It was there noted that you intended "to cast a cold eye to the Americans with Disabilities Act and other 'compassionate excesses of the Bush years.'" Perhaps you were misquoted, but it is clear to me, as a parent of a son with disability and as one who worked with leaders in both houses on a bi-partisan basis to secure passage of the ADA, that there is nothing "excessive" about securing the legal rights of 49 million Americans with physical, mental and sensory disabilities.

In my opinion, it would be a tragic mistake for our nation and our party to back away from the commitments of the ADA, generally regarded as the most significant civil rights legislation since the 1960s. I would be pleased to discuss this matter with you and your colleagues further, if that would be useful.

Best regards,

  
Dick Thornburgh

cc: Honorable Robert Dole

DC-168481.1



JAN- 4-95 WED 11:02 NATL ORGANIZ DISABILITY P.01



**NATIONAL ORGANIZATION ON DISABILITY**

410 Sixteenth Street, NW, Washington, DC 20006

FAX

FROM: (202) 293-7999

TO: Alexander Uachon  
(NAME & TITLE)

(ORGANIZATION)

RECIPIENT FAX NUMBER: 228-4569

FROM: Ginny Thornburg L

DATE:

NUMBER OF PAGES TO FOLLOW:

COVER MESSAGE:

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AP 01-10-95 03:53 EST 52 Lines. Copyright 1995. All rights reserved.  
PM-CA--Delays for Disabled,440<

**NO WAY LA, OTHER CITIES WILL MEET FEDERAL DEADLINE<**

LOS ANGELES (AP) It's been five years since Congress told cities to fix up buildings and sidewalks so disabled people could use them. With a Jan. 26 deadline looming for the work to be done, officials say Los Angeles isn't even close.

"City officials have been dragging their feet," said Kenneth Lesser, an associate city planner and president of the Association of (City) Employees with Disabilities.

"I would like to see some people get fired for what has happened. It's negligence," Lesser told the Daily News of Los Angeles in an article published Monday. "On Jan. 26 I'm going to go down to the Department of Justice and file a complaint."

The city has installed only one-third of the required 150,000 curb cuts for wheelchairs on sidewalks, and only 20 percent of the city's 450 government buildings comply with federal requirements, Chief Deputy City Engineer Ralph Kennedy said.

The city, and many others that won't meet the deadline, ultimately could face federal financial sanctions if the noncompliance is proved to be flagrant.

However the Civil Rights Division of the Justice Department has been trying to resolve disputes before they reach that stage, said spokeswoman Liz Savage.

"What we are most concerned about is that cities have a transition plan that includes milestones at which they can show demonstrable progress," she said.

Alex Arcuri, the city's compliance officer, said a plan for the 1990 Americans with Disabilities Act should have been in place long ago. Arcuri said he was hired just a month before the plan was due in July 1992 and has been working on it ever since.

"It's still in the process," he said. "Part of the problem in getting the plan together is everybody is short-staffed so they can't get to it. That has slowed it down."

Arcuri also said there wasn't enough money for the curb cuts. "It's another unfunded federal mandate," he said.

A mayor's task force is expected to look into financing ideas that have come up before, including going to the voters with a bond measure and putting a special parcel tax on property.


Larry Carmel, vice president of the City Commission on Disability, said failure to comply with the law keeps disabled people from a full civic life.

"We're not satisfied whatsoever with the amount of time it's taken," Carmel said. "The lack of curb cuts and building modifications keep people with disabilities somewhat in prison, in terms of limiting what they can do and reaching their potential. It's certainly long overdue."



ADA File

MEMORANDUM

Date: January 19, 1995  
To: Senator Dole  
From: Alec Vachon   
RE: LETTER TO SENATOR FEINSTEIN

- \* Responding to a memo (attached) that presented a different version of alleged ADA outrages described by Senator Feinstein during the unfunded mandates debate last Thursday, you asked for a letter to Senator Feinstein. LETTER ATTACHED FOR APPROVAL AND SIGNATURE.
- \* The letter was written in a neutral, factual style, and concludes with an offer to provide future assistance on any ADA matter.



BOB DOLE  
KANSAS

141 SENATE HART BUILDING  
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COMMITTEES  
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RULES

## United States Senate

WASHINGTON, DC 20510-1601

January 19, 1995

The Honorable Dianne Feinstein  
United States Senate  
Washington, D.C. 20510

Dear Dianne:

Last Thursday during the debate on unfunded mandates, you cited two examples from San Francisco of unreasonable costs or complexities of compliance with the Americans with Disabilities Act (ADA). As you know, I am a big supporter of ADA, but at the same time I am concerned about its proper implementation.

I checked with the Justice Department about the examples you cited, and they offered a different version of the facts in each case. In the first instance, you noted that Justice is forcing Candlestick Park in San Francisco to add 600 accessible seats--at a cost of \$5 million--to 7,000 existing accessible seats (which are often not filled).

Out of Candlestick's 70,000 seats, Justice claims there are only 89 accessible seats when configured for baseball, 103 for football. Following a complaint, Justice asked 300 accessible seats be added by 2000. This matter is under negotiation. As it happens, the Giants apparently have to add accessible seats to meet NFL standards for hosting the 1999 Super Bowl. The Giants are planning a \$20 million facelift of Candlestick Park for the 1999 Super Bowl; increasing accessible seating would be part of that facelift. The \$5 million figure is San Francisco's estimate of the cost of the additional accessible seats--contained in its bid for the 1999 Super Bowl. However, the bid apparently did not specify the methodology for making this estimate. Incidentally, if Candlestick Park were a new facility, 600 accessible seats would be required by ADA standards.

The second example you described involved an ADA requirement for grab bars on toilets in jail cells--which conflicted with Federal guidelines concerning design of safe jail cells for prisoners at suicide risk. Currently, Justice has no ADA standards for jails. Under design guidelines proposed by the Architectural and Transportation Barriers Compliance Board--which are strictly advisory and have no force of law until adopted by Justice--five percent of all jail cells would have to be accessible. The Board specifically examined the issue of whether grab bars posed a suicide risk--and found no credible evidence of



The Honorable Dianne Feinstein  
January 19, 1995  
Page 2

hazard. In fact, some support for this conclusion came from the State of California following a request for comments on the proposed jail design standards--and reported in the Federal Register on June 20, 1994 (at 31709).

I hope this information is useful. If you learn that Justice's report is not accurate in any detail, I would appreciate knowing about this. Of course, if I can provide any help on this or any other ADA matter, please let me know.

Sincerely,

BOB DOLE  
United States Senate



MEMORANDUM

Date: January 13, 1995  
To: Senator Dole  
From: Alec Vachon *AV*  
RE: FEINSTEIN ON ADA--UNFUNDED MANDATES DEBATE

- \* As you know, Feinstein raised concerns about ADA on the floor last night (statement attached). She claimed:
1. Justice Department is forcing Candlestick Park in San Francisco to add 600 accessible seats--at a cost of \$5 million--to 7,000 existing accessible seats--which are generally not filled anyway.
  2. ADA requirements for grab bars on toilets in jail cells conflicts with Federal guidelines concerning design of safe jail cells for prisoners at suicide risk.

- \* I checked with the Justice Department, and Feinstein is plain wrong on the facts. Justice's version:

CANDLESTICK PARK

Candlestick Park has 70,000 seats--with 89 accessible seats for baseball (Giants), 103 for football (49ers). Following a complaint, Justice asked 300 additional accessible seats by 2000. This matter is under negotiation. The Giants have to add more accessible seats anyway--the NFL told them to increase accessible seating if they want the 1999 SuperBowl (part of NFL SuperBowl standards). Giants are planning a \$20 million facelift for the 1999 Superbowl; increasing accessible seating would be part of the facelift. The \$5 million is San Francisco's estimate of the cost of the additional accessible seats (from its bid for the 1999 SuperBowl), but the bid did not specify the basis for the estimate. [N.B. If Candlestick Park were a new facility, 600 accessible seats would be required by ADA standards.]

JAIL CELLS

Currently, Justice has no standards for jails. Under criteria proposed by the ACCESS Board, 5% of all jail cells would have to be accessible. The ACCESS Board did consider grab bars as a suicide risk--but there was no credible evidence of hazard. In fact, support for this conclusion came from information supplied by the State of California--and reported in the Federal Register on June 20, 1994.

- \* Undoubtedly, there are excesses in ADA enforcement, but in every "outrageous" instance I have looked into the facts have been inaccurately reported.



\* As I have written you, state and local governments are supposed to have completed all architectural and structural changes to make their services accessible by January 26th. You have responded that there are problems--and I am now checking with various associations: U.S. Conference of Mayors, National League of Cities, etc. So far, I am not aware that you have received any letters from any national associations or even individual communities requesting any relief. (You have received requests for assistance from Kansas, which I have supplied.) Justice has not received any requests for extension of this deadline.

cc: David Taylor



Feinstein

January 12, 1995

CONGRESSIONAL RECORD — SENATE

S 889

Let's talk about some specific California cities.

Let us take, for example, a city of about 120,000 people known as Sunnyvale, California. The city has identified a total of 202 mandates that they must meet. It has incurred costs for 103 of these mandates during the last 5 fiscal years. The total cost of these mandates has been approximately \$77 million, representing 18 percent of Sunnyvale's total operating budget.

For example, Sunnyvale's compliance with environmental mandates accounted for 62.4 percent of the total costs of these mandates.

The general and other nonutility funds of Sunnyvale were impacted by a total of \$7 million in the 1993 budget. This represents in excess of 10 percent of the total operating costs of the city government, roughly equivalent to the costs of operating the library plus half of the parks in a given year, or roughly equivalent to 70 percent of fire services for that community.

Again, the community cannot raise taxes to pay for it. The city estimates that one-third of the total single-family residence utility bills this year will be earmarked for compliance with State and Federal mandates.

Mr. President, let me take the city of Los Angeles. Unfunded mandates again have placed a recent burden on that city. Federal mandates will cost Los Angeles \$4.2 billion over the next 5 years. For example, the Federal underground storage tank regulations require leak detection systems and corrective action affecting 206 sites and 431 storage tanks in Los Angeles. Corrective action will cost in excess of \$31 million over the next 5 years.

Compliance with the Safe Drinking Water Act will cost the city in excess of \$245 million over the 5-year period. Costs to comply with the Americans with Disabilities Act are estimated to exceed \$30 million. This includes costs for curb cuts, ramps, special bathrooms in public buildings, whether or not they are actually used.

Federal law now requires all highway projects financed with Federal gas tax funds be designed and constructed in metric measurements starting September 30, 1996. Revisions to all city standards, manuals, standard plans, ordinances, and other documents will be required. Also, new drafting and design equipment will be needed, along with some training. The Los Angeles Department of Transportation will have to replace 14,000 speed zone signs at a one-time cost of \$1.2 million. The total cost to comply with this program—that is, just changing to a metric system—is \$2.6 million. And this is just one small change.

Did anyone ever add up or, again, even know the cost when this bill was promulgated? I doubt it.

Let us take Los Angeles County. To meet Federal mandates and still balance its budget, the county of Los Angeles has to significantly curtail other programs. For example, this year, Los

Angeles County employees will have to forego cost-of-living and other wage adjustments, and aid to indigents will be substantially reduced. Several libraries are being closed and all others will be open for a reduced number of hours. Recipients of welfare and public health services will face longer waits due to minimal county staffing levels.

Looking at the impact of immigration, Los Angeles County found that in 1991-1992, net county costs for services provided to legal immigrants, amnesty aliens, and illegal aliens and their citizen children were about \$947 million, while county revenues received from this segment accounted for only \$139 million.

Another example. The city of Fresno is required under the Safe Drinking Water Act to fit each of its 217 wells with expensive radon filtration systems. The city estimates the total capital costs of the system in the Fresno metropolitan area at \$191 million and an annual operating cost of \$26 million.

Considering the city currently has a \$567 million budget with a very small percentage of discretionary dollars, the initial outlay and annual costs to comply with the radon standards could have a significant impact on Fresno.

According to the city, the cost of compliance with the proposed radon regulation would force water systems to drop more compelling programs with greater public health and environmental benefits.

For Stockton, CA, a city of 215,000 people, compliance with Federal mandated stormwater provisions of the Clean Water Act will cost the city approximately \$1.2 million per year over the next 5 years or \$15 to \$20 per home. The city has the choice of either decreasing park and recreation, library services, or police services if the public will not accept the addition of a fee increase.

The Clean Air Act requires Stockton to spend approximately \$2.2 million in capital costs and \$100,000 in annual operating expenses to control landfill gas. Again, the city must either increase user fees or shift funding from parks and recreation, library services or public safety.

The Fair Labor Standards Act requires Stockton to pay overtime to firefighters who work more than 53 hours a week. As a result, the overtime costs Stockton an additional \$400,000 a year and affects the city's ability to add public safety officers.

Let me give what I think are rather egregious examples from my own city, San Francisco.

The City of San Francisco is required under the Safe Drinking Water Act to comply with filtration mandates. The city would prefer to put more funds into watershed protection, which is cheaper and would make filtration unnecessary. But instead it is forced by Federal regulations to the more costly expenditure. Building a filtration plant would cost the city \$500 to \$700 million,

while the cost for nonfiltration options range from \$40 to \$60 million.

Let me give another example. Candlestick Park, this weekend, will be sold out—a major NFL game.

A while back one person sued the City saying she did not have a seat as a disabled person at a game. The city came together and formed an agreement. But under the Americans with Disabilities Act, the Department of Justice is now saying that the agreement is not good enough. The city will have to spend \$5 million to build another 600 seats for disabled at Candlestick Park.

What is the rub? The stadium is sold out this weekend. There are 7,000 seats for disabled already, and they are not filled. Yet someone in Justice is saying the city must build another 600 seats.

I submit, the real problem is that once the bills are passed and the regulations are drafted by someone in a department, there is no telling what can happen.

While I was Mayor we would engage in consent decrees with all parties and someone in the Federal Government would say no, that is not acceptable to us. You must spend more money and to it our way. I think this is what is happening throughout the United States. It certainly is throughout the State of California.

Compliance with the Americans with Disabilities Act will cost San Francisco \$8.2 million in fiscal year 1995 in spite of conflicts with other code requirements. For example, safety cells for suicidal inmates in the new jail built to meet strict Federal codes say there should be no hard objects, such as bars, inside, and that there must be a lip on the floor by the door to keep fluids inside. However, the Americans with Disabilities Act requires bars by the toilet and a floor that a wheelchair can roll into.

San Francisco faces other costs in fiscal year 1995 arising from unfunded mandates—\$149.1 million for sewage treatment facilities required by the Clean Water Act; \$830,000 for scrubbers and boiler retrofit to comply with the Clean Air Act; \$3,090,000 to remove asbestos; \$2,910,000 to test for lead, and \$500,000 to implement drug and alcohol testing programs for employees responsible for operating certain vehicles as a condition of receiving Federal transportation funds.

Mr. President, I believe it is unfair for the Federal Government to impose mandatory regulations on localities without providing the necessary funding to implement them. I feel very strongly that Congress must be responsive to the fiscal constraints under which local and State governments operate.


Mr. President, S. 1 provides the kind of relief which State and local governments want and need.

It requires:

Any bill or amendment imposing a Federal mandate of more than \$50 million on a State or local government



MEMORANDUM

Date: December 28, 1994  
To: Senator Dole  
From: Alec Vachon   
Re: CONVERSATION WITH TONY COELHO

- \* I heard a rumor that Tony had spoken with Gingrich about ADA--and called Tony. He in fact called Gingrich recently about ADA. They entered Congress together in 1979 and have a longstanding relationship.

- \* Coelho described his conversation w/Gingrich:

--Coelho reminded Newt that in 1989 he came to him and asked him to designate Republican members to work on ADA. Newt designated Cong. Steve Bartlett (now Mayor of Dallas) and Cong. Steve Gunderson. Coelho appreciated Gingrich's help then, which kept ADA from becoming a partisan issue in the House (and Bush got a lot of credit as a result).

--Coelho was calling to make sure Newt was not going back on their original discussion--not as a threat, but Coelho would have to take this issue on if he were.

--Newt replied that his commitment still stood--that any action on ADA--hearings or whatever--would be bipartisan, and that the disability community would be involved. Newt felt that sometimes the intent of a bill is lost in the regulations or enforcement, and at the very least needed periodic review. Coelho asked Newt if it was okay to pass on the substance of their conversation, and Newt said, "yes."

- \* Coelho has heard that Rep. Tom DeLay (R-Texas), incoming House majority whip, is very negative about ADA. Incidentally, DeLay announced on December 14th formation of Project Relief, a coalition to advocate reform of the government regulatory process. Project Relief's chairman is Bruce Gates, vice president of the National American Wholesale Grocers' Association.



## Anti-ADA forces

William Stothers, as well as several other authors (February '94), raised the specter of anti-ADA forces gathering to roll back the clock on our civil rights. In the last several months, I have been stunned by attacks on the ADA coming from what I consider unlikely sources.

Several months ago, I attended an evening presentation by Bruce Williams, the well-known commentator on financial matters. For about 10 minutes of a 50-minute presentation, he heaped his hyperbole on the ADA. He was angry because he had to ride around looking for a parking place near his apartment, while all those vacant spots were set aside as accessible spots for people with disabilities. In addition, he was furious that he had to answer a charge of discrimination against a nightclub he owned because it had an inaccessible performing stage. The nightclub act he featured had a piano player who had to leap off the stage and land on patrons' tables or some other ridiculous place. Setting aside the artistic merits of this form of entertainment and its potential impact on the future

growth of the disabled population of this country, I was able to point out at the meeting that he did not have to alter his stage under the conditions he described. What disturbed me about this incident was the recognition of the number of people who have heard his attacks on the ADA without anyone in the audience challenging him. (He did come over during the reception following his presentation to apologize.)

More disturbing still was a presentation by Paul Ehrlich to an audience of 3,000 in Fresno. Toward the end of his speech, Ehrlich, author of the Population Bomb 25 years ago and an ardent environmentalist, depicted the ADA as one of the stupidest and potentially more harmful public policy decisions made in the last decade. It seems he is afraid we will insist on building ramps to the summit of Mt. Hood and make other demands that will destroy the environment and place a tremendous financial burden on the budget.

When we have people like Williams and Ehrlich attacking the ADA, we may be seeing a backlash. I don't know how to counter-attack on a collective basis, but we all need to take on individual

responsibility to present the other view whenever possible.

*Ed Eames  
Fresno, CA*

## Lemon laws

The article on the Lady and the Lemon Law (December '93/January '94) was of great interest to me because I have been having a lot of trouble with my electric wheelchair. I was wondering if there is a lemon law in Maryland. Could you please provide me with some information that would enable me to be in a better position to advocate for myself?

*Cindy Cumberledge  
Hyattsville, MD*

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PM-TN--Unfunded Mandates,Bjt,0450<

Lawmakers, Mayor Push Congress Limits<

dauibstfrdo<

By DUNCAN MANSFIELD Associated Press Writer

KNOXVILLE, Tenn. (AP) If Congress requires a curb cut in the sidewalk, then Congress should pay for it, Mayor Victor Ashe says.

"There may be some street corners that need curb cuts," Ashe, president of the U.S. Conference of Mayors, said Monday.

"But to say that every single one in America, regardless of the traffic flow or whether anyone is in need of a curb cut, is going to have one, in effect, reduces your (city) paving budget by 20 percent."

A Philadelphia court recently issued such a ruling. It is just one more example of Congress passing a law in this case, the 1990 Americans with Disabilities Act without the money to pay for it, he said.

"I don't think anyone is advocating repeal," Ashe said.

"We are advocating an institution of reason and common sense into the implementation of national laws."

PRESS RETURN TO CONTINUE OR ENTER A REQUEST.

Freshman Rep. Van Hilleary and veteran Rep. John Duncan Jr., both Tennessee Republicans, joined Ashe at a news conference to tout the expected passage of the Unfunded Mandate Reform Act of 1995.

The measure, which would affect new mandates but not present ones, is part of the Republicans' popular "Contract with America" and has widespread bipartisan support.

However, votes in the House and Senate this week could be delayed over Democratic concerns that the bill will have unintended consequences on federal health, safety and environmental regulations.

Hilleary said 146 amendments proposed for the bill were largely for exemptions for the elderly and the young intended "just to embarrass" sponsors.

"I think it is going to pass," he said. "I think there is an excellent chance."

Duncan called the bill "some of the most significant legislation that we may deal with in the Congress this year."

Without it, he predicted, local communities will be defaulting and "surrendering their corporate charters back to the state because they simply can't afford to ... pay for all

PRESS RETURN TO CONTINUE OR ENTER A REQUEST.



of the things that Washington has been ordering them to do.''

Hilleary said Congress passed 19 measures between 1970 and 1986 that failed to provide any or enough money to cover the local costs of implementation. Since 1986, it has passed 72 such measures.

In the 1970s, Congress passed the clean water and clean air acts, and provided \$18 billion to pay for them. In 1990, it passed the Americans with Disabilities Act with ''practically no funding,'' Hilleary said.

Knox County Executive Tom Schumpert said, ''For the future, if it is good enough to be passed, it should be funded.''



JAN-24-1995 10:49 FROM

TO

84569 P.01

EDWARD M. KENNEDY, MASSACHUSETTS, CHAIRMAN

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## United States Senate

COMMITTEE ON LABOR AND  
HUMAN RESOURCES

WASHINGTON, DC 20510-6300

### FACSIMILE COVER SHEET

TO:

Alexander

FAX NUMBER:

8-4569

FROM:

Michael

DATE AND TIME:

NUMBER OF PAGES:

Cover + 2

RETURN FAX NUMBER: (202) 224-3533

If there is trouble receiving this fax, please call (202) 224-5880

FYI - off today's wire - Please give me a call  
when you get a chance. thanks.



(2/13/95B)

[Date]

The Honorable Tony Coelho  
Chairman  
The President's Committee on  
Employment of People with Disabilities  
1331 F Street, N.W.  
Washington, D.C. 20004

Dear Tony:

As the principal Senate co-sponsors of the Americans with Disabilities Act ("ADA"), we are writing to ask you to examine the feasibility of the President's Committee organizing and conducting an ongoing meeting among interested parties in the implementation of ADA by public entities. We understand that in many states the state government coordinator for ADA is a Governor's Committee affiliate of the President's Committee, and that many Mayor's Committee affiliates have similar responsibilities. In our view, interested parties would include representatives of associations representing state and local governments, the U.S. Department of Justice and other Federal agencies with ADA responsibilities, and the disability community.

*Respectful*  
The purpose of such meetings would be a forum to share information and air problems and devise solutions regarding implementation. Although we are encouraged by widespread knowledge of the requirements of ADA -- even among small counties and towns, and a generally positive view of the need for ADA, we also recognize that for many public entities this is the first time they have attempted to make their programs wholly accessible. In particular, we understand there are concerns about specific and timely information about what is required by ADA, and believe this forum would help improve this situation.

We look forward to your response. If you have any questions or if we can be otherwise helpful, please contact Alexander Vachon of Senator Dole's staff at 224-8959 or Bobby Silverstein of Senator Harkin's staff at 224-6265.

Sincerely,

*Bobby Silverstein  
from Mr. Harkin*



[1480] From: Patt Bromberger <patt@squid.tram.com> at Internet 6/18/95 12:04PM (1195 bytes: 21 ln)  
To: awd@counterpoint.com at Internet  
Subject: attack on the ADA

----- Message Contents -----

Text item 1: Text Item

--- Forwarded mail

Date: Sun, 18 Jun 1995 11:37:30 -0400  
From: IRISH38@AOL.COM  
Subject: ALERT - ATTACK ON THE ADA !!

6/18/95 - Congressional Majority Leader bob Dole, a Republican, who has already let it be know he will run for President in 1996, stated that if he is elected, one of his primary goals will be to eliminate the ADA, calling it "An excuse for lazy people not to work".

This is the second congressional attack on the ADA in the past month. It took 200 years for our civil rights to be recognized, now the Republicans want to revoke the ADA ! I don't seem to recall any talk in the 60's about revoking the newly granted civil rights for blacks, or even earlier this century, any talk about revoking voting rights for women. Why do the Republicans want to target us ? We must write congress and the President, and encourage the 49 million disabled Americans to do the same.

--- End of forwarded message



[1483] From: Alec\_Vachon@dole.senate.gov at Internet 6/19/95 7:16PM (4813 bytes: 94 ln)

To: awd@counterpoint.com at Internet

Subject: WHAT DOLE REALLY SAID ON SATURDAY

----- Message Contents -----

Text item 1: Text Item

A message sent over this LISTSERV on Sunday (copy below) alleged that Senator Bob Dole said over the weekend that he wanted to repeal the ADA. Not true. What Senator Dole said over the weekend was that he wanted to help members of the U.S. Conference of Mayors implement the ADA. Senator Dole sent this letter on Monday to a leading disability advocate on this matter:

"I understand that you are concerned about some remarks I made about the Americans with Disabilities Act at the U.S. Conference of Mayors's annual meeting on Saturday. The gist of my remarks was that I wanted to know from the Mayors any problems they had with ADA, and that I was prepared to help them find solutions.

"This promise to the Mayors was part of my commitment to ADA and to the full participation of people with disabilities in American society--which is unchanged. You know better than most my record on disability rights, and my efforts to get ADA enacted. But my job didn't end the day ADA passed the Senate. I have an ongoing responsibility to make sure ADA is working--for both people with disabilities and for business and state and local governments.

"Several months ago my staff began talking with associations that represent local governments to learn how ADA was going for them. I felt this outreach was particularly important since ADA was exempted from recent unfunded mandates legislation. Such associations often have the pulse of their members, and are important conduits of information. We learned, for example, that many local communities were having a tough time in getting straight answers from the Justice Department on exactly what is required by ADA. It is simply not fair that people are asked to do something when we aren't clear with them on what that something is. I am trying to fix this problem--along with other members of the Senate.

"Let me note that I am less concerned about press reports alleging "horror stories" about ADA than the daily, unglamorous work of implementing ADA--from building curb ramps to thinking through how services can be made accessible.

"In my view, reaching out to associations that represent state and local governments--from top officials to the middle management of public works departments--is something the disability community needs to be doing more. I hope my remarks will prompt some in the disability community to take greater initiative in this regard.

"I also know some people with disabilities are concerned about public criticism--even comment--about ADA. Frankly, I think thoughtful debate is always a healthy sign. It means



people are paying attention. In 1973, Congress passed the Rehabilitation Act, which required that Federally funded programs be accessible. Yet, as you know, for many years little happened. If it takes some griping to get action on ADA, I think it's a small price to pay.

"Also, let us remember ADA asks something of most Americans--usually not a lot, but sometimes a great deal. It is only reasonable that people will raise questions and concerns. Indeed, part of the beauty of America is that any six people may have 10 opinions on the same subject.

"As always, I respect and invite your advice and counsel, and if there is any way I can be helpful, please let me know."

>[1510] From: Patt Bromberger <patt@squid.tram.com> at Internet  
>6/18/95 12:04PM

>To: awd@counterpoint.com at Internet

>Subject: attack on the ADA

>-----Message Contents-----

>--- Forwarded mail

>

>Date: Sun, 18 Jun 1995 11:37:30 -0400

>From: IRISH38@AOL.COM

>Subject: ALERT - ATTACK ON THE ADA !!

>

>6/18/95 - Congressional Majority Leader Bob Dole, a Republican,  
>who has already let it be know he will run for President in  
>1996, stated that if he is elected, one of his primary goals  
>will be to eliminate the ADA, calling it "An excuse for lazy  
>people not to work".

>

>This is the second congressional attack on the ADA in the past  
>month. It took 200 years for our civil rights to be recognized,  
>now the Republicans want to revoke the ADA! I don't seem to  
>recall any talk in the 60's about revoking the newly granted  
>civil rights for blacks, or even earlier this century, any talk  
>about revoking voting rights for women. Why do the Republicans  
>want to target us? We must write congress and the President,  
>and encourage the 49 million disabled Americans to do the same.

>--- End of forwarded message



[1484] From: Alec Vachon at DOLE-DC 6/20/95 8:31AM (901 bytes: 10 ln)  
To: patt@squid.tram.com at Internet  
Receipt Requested  
bcc: Alec Vachon (avachon)  
Subject: YOUR ALLEGATIONS REGARDING SENATOR DOLE

----- Message Contents -----

Over the weekend you posted an allegation on the Internet that Senator Bob Dole wanted to repeal the ADA and called people with disabilities "lazy." That is not true in any respect. I would appreciate knowing the source of your information, and if a mistake was made, would appreciate a correction on the Internet.

Thank you.

/s/ Alexander Vachon, Office of Senator Bob Dole



[1485] From: Donna Holovack - SLO <dholovac@winslo.ohio.gov> at Internet 6/20/95  
8:46AM (2083 bytes: 56 ln)  
To: avachon at Dole-DC  
Subject: RE:attack on the ADA (fwd)

----- Message Contents -----

Text item 1: Text Item

----- Forwarded message -----

Date: Mon, 19 Jun 1995 07:30:45 -0500  
From: DMASTERS@jcpenney.com  
To: awd@counterpoint.com  
Subject: RE:attack on the ADA

Please site your source. Bob Dole, is one of the main supporters of the ADA, and a leading cause of its passage. Sen. Dole, himself has a serious disability caused by a gun-shot wound while in the army in WWII. I would be very interested in your source. thanks...aL. \*\*THESE OPINIONS ARE MY OWN AND REFLECT IN NO WAY ON MY EMPLOYEE\*\*.

\*\*\*\*\*  
\*\*\*\*

Al Masters - JCPenney Co., Inc.  
Dallas, Tx (214)591-6579  
Fax - (214)531-6579  
dmasters@jcpenney.com

\*\*\* Forwarded Note \*\*\*

Subject: attack on the ADA

From: Patt Bromberger <patt@squid.tram.com>  
Date: Jun 18 11:14  
To: awd@counterpoint.com  
CC:  
\*\*\*\*

--- Forwarded mail

Date: Sun, 18 Jun 1995 11:37:30 -0400  
From: IRISH38@AOL.COM  
Subject: ALERT - ATTACK ON THE ADA !!

6/18/95 - Congressional Majority Leader bob Dole, a Republican, who has already let it be know he will run for President in 1996, stated that if he is elected, one of his primary goals will be to eliminate the ADA, calling it "An excuse for lazy people not to work".

This is the second congressional attack on the ADA in the past month. It took 200 years for our civil rights to be recognized, now the Republicans want to revoke the ADA ! I don't seem to recall any talk in the 60's about revoking the newly granted civil rights for blacks, or even earlier this century, any talk about revoking voting rights for women. Why do the Republicans want to target us ? We must write congress and the President, and encourage the 49 million disabled Americans to do the same.

--- End of forwarded message



[1486] From: Alec Vachon at DOLE-DC 6/20/95 8:53AM (1133 bytes: 10 ln)  
To: dmasters.jcpenney.com at Internet  
Receipt Requested  
bcc: Alec Vachon (avachon)  
Subject: YOUR ALLEGATIONS REGARDING SENATOR DOLE

----- Forwarded -----

From: Alec Vachon at DOLE-DC 6/20/95 8:31AM (901 bytes: 10 ln)  
To: patt@squid.tram.com at Internet  
Receipt Requested  
Subject: YOUR ALLEGATIONS REGARDING SENATOR DOLE

----- Message Contents -----

Over the weekend you posted an allegation on the Internet that Senator Bob Dole wanted to repeal the ADA and called people with disabilities "lazy." That is not true in any respect. I would appreciate knowing the source of your information, and if a mistake was made, would appreciate a correction on the Internet.

Thank you.

/s/ Alexander Vachon, Office of Senator Bob Dole



[1487] From: Alec Vachon at DOLE-DC 6/20/95 8:54AM (5049 bytes: 94 ln)  
To: dmasters@jcpenny.com at Internet  
Receipt Requested  
bcc: Alec Vachon (avachon)  
Subject: WHAT DOLE REALLY SAID ON SATURDAY

----- Forwarded -----  
From: Alec\_Vachon@dole.senate.gov at Internet 6/19/95 7:16PM (4813 bytes: 94 ln)  
To: awd@counterpoint.com at Internet  
Subject: WHAT DOLE REALLY SAID ON SATURDAY  
----- Message Contents -----

Text item 1: Text Item

A message sent over this LISTSERV on Sunday (copy below) alleged that Senator Bob Dole said over the weekend that he wanted to repeal the ADA. Not true. What Senator Dole said over the weekend was that he wanted to help members of the U.S. Conference of Mayors implement the ADA. Senator Dole sent this letter on Monday to a leading disability advocate on this matter:

"I understand that you are concerned about some remarks I made about the Americans with Disabilities Act at the U.S. Conference of Mayors's annual meeting on Saturday. The gist of my remarks was that I wanted to know from the Mayors any problems they had with ADA, and that I was prepared to help them find solutions.

"This promise to the Mayors was part of my commitment to ADA and to the full participation of people with disabilities in American society--which is unchanged. You know better than most my record on disability rights, and my efforts to get ADA enacted. But my job didn't end the day ADA passed the Senate. I have an ongoing responsibility to make sure ADA is working--for both people with disabilities and for business and state and local governments.

"Several months ago my staff began talking with associations that represent local governments to learn how ADA was going for them. I felt this outreach was particularly important since ADA was exempted from recent unfunded mandates legislation. Such associations often have the pulse of their members, and are important conduits of information. We learned, for example, that many local communities were having a tough time in getting straight answers from the Justice Department on exactly what is required by ADA. It is simply not fair that people are asked to do something when we aren't clear with them on what that something is. I am trying to fix this problem--along with other members of the Senate.

"Let me note that I am less concerned about press reports alleging "horror stories" about ADA than the daily, unglamorous work of implementing ADA--from building curb ramps to thinking through how services can be made accessible.

"In my view, reaching out to associations that represent state and local governments--from top officials to the middle management of public works departments--is something the disability community needs to be doing more. I hope my remarks will prompt some in the disability community to take greater



initiative in this regard.

"I also know some people with disabilities are concerned about public criticism--even comment--about ADA. Frankly, I think thoughtful debate is always a healthy sign. It means people are paying attention. In 1973, Congress passed the Rehabilitation Act, which required that Federally funded programs be accessible. Yet, as you know, for many years little happened. If it takes some griping to get action on ADA, I think it's a small price to pay.

"Also, let us remember ADA asks something of most Americans--usually not a lot, but sometimes a great deal. It is only reasonable that people will raise questions and concerns. Indeed, part of the beauty of America is that any six people may have 10 opinions on the same subject.

"As always, I respect and invite your advice and counsel, and if there is any way I can be helpful, please let me know."

>[1510] From: Patt Bromberger <patt@squid.tram.com> at Internet  
6/18/95 12:04PM

>To: awd@counterpoint.com at Internet

>Subject: attack on the ADA

>-----Message Contents-----

>--- Forwarded mail

>

>Date: Sun, 18 Jun 1995 11:37:30 -0400

>From: IRISH38@AOL.COM

>Subject: ALERT - ATTACK ON THE ADA !!

>

>6/18/95 - Congressional Majority Leader Bob Dole, a Republican,  
>who has already let it be know he will run for President in  
>1996, stated that if he is elected, one of his primary goals  
>will be to eliminate the ADA, calling it "An excuse for lazy  
>people not to work".

>

>This is the second congressional attack on the ADA in the past  
>month. It took 200 years for our civil rights to be recognized,  
>now the Republicans want to revoke the ADA! I don't seem to  
>recall any talk in the 60's about revoking the newly granted  
>civil rights for blacks, or even earlier this century, any talk  
>about revoking voting rights for women. Why do the Republicans  
>want to target us? We must write congress and the President,  
>and encourage the 49 million disabled Americans to do the same.

>--- End of forwarded message



[1488] From: Donna Holovack - SLO <dholovac@winslo.ohio.gov> at Internet 6/20/95  
9:01AM (1337 bytes: 27 ln)  
To: avachon at Dole-DC  
Subject: ADA attack response

----- Message Contents -----

Text item 1: Text Item

Alec:

It was good that you posted your response. I have forwarded the message from the gentleman who came to Senator Dole's defense.

ADA was designed to be flexible because all circumstances could not be anticipated, and all situations could be dealt with on an individual basis. At least this is my understanding. Some folks are uncomfortable with the concept of evaluation and interpretation. They want clear cut guarantees.

As I mentioned in our conversation, Librarians have always wanted to make libraries and library services accessible to everyone. Librarianship is a helping profession. The ADA gives us the ammunition of wrestle funds from often conservative library boards for the purpose of assuring accessibility. In terms of employment, it is the morally correct position to take regarding the disabled population. The pursuit of happiness includes financial security and independence. We need ADA. Reform may be necessary, but let's keep the backbone in place.

Regards,

Donna Holovack, MLS  
Consultant  
The State Library of Ohio  
dholovac@winslo.ohio.gov



[1489] From: DMASTERS@jcpenney.com at Internet 6/20/95 1:49PM (1531 bytes: 39 ln  
)

To: Alec Vachon at Dole-DC

Subject: RE:YOUR ALLEGATIONS REGARDING SENATOR DOLE

----- Message Contents -----

Text item 1: Text Item

alec, thanks for your note, however i was not the person that made the  
allegation about sen. dole. you and i had a phone conversation yesterday  
in-which you read to me the statement that you posted earlier today. remember  
that i was the person that questioned(before anyone else) the fact that sen dole  
had made this statement. thanks for your note. thanks...aL. \*\*\*THESE STATEMENTS  
ARE MY OWN, AND REFLECT IN NO WAY ON MY EMPLOYEEER.\*\*\*

\*\*\*\*\*  
\*\*\*\*

Al Masters - JCPenney Co., Inc.

Dallas, Tx (214)591-6579

Fax - (214)531-6579

dmasters@jcpenney.com

\*\*\* Forwarded Note \*\*\*

Subject: YOUR ALLEGATIONS REGARDING SENATOR DOLE

From: Alec Vachon@dole.senate.gov

Date: Jun 20 08:09

To: dmasters@jcpenney.com

CC:

\*\*\*\*

Over the weekend you posted an allegation on the Internet  
that Senator Bob Dole wanted to repeal the ADA and called  
people with disabilities "lazy." That is not true in any  
respect. I would appreciate knowing the source of your  
information, and if a mistake was made, would appreciate a  
correction on the Internet.

Thank you.

/s/ Alexander Vachon, Office of Senator Bob Dole

\*\*\* End Forwarded Note \*\*\*



[1490] From: Alec Vachon at DOLE-DC 6/20/95 1:58PM (303 bytes: 2 ln)  
To: dmasters@jcpenney.com at Internet  
Receipt Requested  
bcc: Alec Vachon (avachon)  
Subject: Thanks

----- Message Contents -----

Yes, I know. I was just forwarding a copy of my message.  
Your support is appreciated by the Senator.



[1491] From: DMASTERS@jcpenney.com at Internet 6/20/95 2:00PM (2403 bytes: 71 ln  
)

To: Alec Vachon at Dole-DC

Subject: RE:attack on the ADA

----- Message Contents -----

Text item 1: Text Item

alec, heres the note that i sent. i made no allegation. thanks...aL. \*\*\*THESE  
OPINIONS ARE MY OWN< AND REFLECT IN NO WAY ON MY EMPLOYEEER.\*\*\*

\*\*\*\*\*  
\*\*\*\*

Al Masters - JCPenney Co., Inc.

Dallas, Tx (214)591-6579

Fax - (214)531-6579

dmasters@jcpenney.com

\*\*\* Forwarded Note \*\*\*

Subject: RE:attack on the ADA

From: DMASTERS@jcpenney.com

Date: Jun 19 08:30

To: awd@counterpoint.com

CC:

\*\*\*\*

Please site your source. Bob Dole, is one of the main supporters of the ADA, and  
a leading cause of its passage. Sen. Dole, himself has a serious disability  
caused by a gun-shot wound while in the army in WWII. I would be very interested  
in your source. thanks...aL. \*\*THESE OPINIONS ARE MY OWN AND REFLECT IN NO WAY  
ON MY EMPLOYEEER\*\*.

\*\*\*\*\*  
\*\*\*\*

Al Masters - JCPenney Co., Inc.

Dallas, Tx (214)591-6579

Fax - (214)531-6579

dmasters@jcpenney.com

\*\*\* Forwarded Note \*\*\*

Subject: attack on the ADA

From: Patt Bromberger <patt@squid.tram.com>

Date: Jun 18 11:14

To: awd@counterpoint.com

CC:

\*\*\*\*

--- Forwarded mail

Date: Sun, 18 Jun 1995 11:37:30 -0400

From: IRISH38@AOL.COM

Subject: ALERT - ATTACK ON THE ADA !!



6/18/95 - Congressional Majority Leader bob Dole, a Republican, who has already let it be know he will run for President in 1996, stated that if he is elected, one of his primary goals will be to eliminate the ADA, calling it "An excuse for lazy people not to work".

This is the second congressional attack on the ADA in the past month. It took 200 years for our civil rights to be recognized, now the Republicans want to revoke the ADA ! I don't seem to recall any talk in the 60's about revoking the newly granted civil rights for blacks, or even earlier this century, any talk about revoking voting rights for women. Why do the Republicans want to target us ? We must write congress and the President, and encourage the 49 million disabled Americans to do the same.

--- End of forwarded message

\*\*\* End Forwarded Note \*\*\*

\*\*\* End Forwarded Note \*\*\*



[1492] From: "Dr. Michael Millington" <mmilli@lsumc.edu> at Internet 6/20/95 2:00PM (2259 bytes: 30 ln)

To: awd@counterpoint.com at Internet

Subject: Bob Dole and reasonable discourse

----- Message Contents -----

Text item 1: Text Item

I was heartened by the recent exchange concerning the remarks of Bob Dole on the ADA. First of all, let me say that I am philosophically at odds with Mr. Dole most of the time. While he is a politician through and through (not a crime, but a sin), his saving grace is his wariness of strict adherence to ideology. Ideological fervor has built since the victories of the left in the sixties, and now threatens to undue the great works of the Civil rights movement by the inability of the ideological left to find solutions, and the backlash of the ideology of the right. Right and left were ment to dialog, not to launch holy wars. The ADA, and particularly title 1, was developed without the inclusion of the employer because it was a "civil rights issue". Does it surprise anyone that employer feared and fought the ADA in congress? When it was passed, does it surprise anyone that they continue to be highly concerned, defensive, and often work to circumvent the law? Does it surprise anyone that lawyers and WC threaten to turn the ADA into a weapon for extorting money, rather than a tool for creating fair hiring practices? I use the term inclusion purposefully, because employers are the gatekeepers of employment, and strict adherence to ideology turns a blind eye to the bigger picture. The result is political warfare, and the threat is that we will lose one of the best laws we have to the popular ideology of the day. Meanwhile, employment outcomes for people with disabilities has not seen the dramatic improvement post ADA, and employers complain about the quality of the labor markets they have available. To steal a line from LBJ, let us reason together. If you demand fairness, let it apply to both sides. Pass legislation that will make it easier, and yes, profitable, for employers to hire and train people with disabilities. Do not let ideology stand in the way of common sense. Talk to Bob Dole, before Phil Gramm becomes president.



[1493] From: Kerry Scriber <kscriber@unix.stardate.com> at Internet 6/20/95 2:03 PM (977 bytes: 20 ln)

To: Alec Vachon at Dole-DC

Subject: Re: WHAT DOLE REALLY SAID ON SATURDAY

----- Message Contents -----

Text item 1: Text Item

Sorry, I watch Cspan from time to time and I do not trust the man. He may want to protect rich handicapers but as usual forget those who can not pay big bucks.

>A message sent over this LISTSERV on Sunday (copy below) alleged  
>that Senator Bob Dole said over the weekend that he wanted to repeal  
>the ADA. Not true. What Senator Dole said over the weekend was  
>that he wanted to help members of the U.S. Conference of Mayors  
>implement the ADA. Senator Dole sent this letter on Monday to a  
>leading disability advocate on this matter:

\*\*\*\*\*

Kerry Glen Scriber  
West Palm Beach, Florida  
kscriber@unix.stardate.com

(and George the wonder dog)

\*\*\*\*\*

[1494] From: Donna Holovack - SLO <dholovac@winslo.ohio.gov> at Internet 6/20/95  
2:13PM (2756 bytes: 39 ln)

To: mmilli@lsumc.edu at Internet

cc: awd@counterpoint.com at Internet

Subject: Re: Bob Dole and reasonable discourse

----- Message Contents -----

Text item 1: Text Item

There currently are programs in place by such agencies as BVR that will pay a significant portion of the first six month's wages if an employer will hire a BVR recipient. Unfortunately, this inducement has resulted in little change in the employment picture for disabled workers. However, we must keep trying. We need title I.

On Tue, 20 Jun 1995, Dr. Michael Millington wrote:

> I was heartened by the recent exchange concerning the remarks of Bob Dole  
> on the ADA. First of all, let me say that I am philosophically at odds  
> with Mr. Dole most of the time. While he is a politician through and  
> through (not a crime, but a sin), his saving grace is his wariness of  
> strict adherence to ideology. Ideological fervor has built since the  
> victories of the left in the sixties, and now threatens to undue the great  
> works of the Civil rights movement by the inability of the ideological left  
> to find solutions, and the backlash of the ideology of the right. Right  
> and left were ment to dialog, not to launch holy wars. The ADA, and  
> particularly title 1, was developed without the inclusion of the employer  
> because it was a "civil rights issue". Does it surprise anyone that  
> employer feared and fought the ADA in congress? When it was passed, does  
> it surprise anyone that they continue to be highly concerned, defensive,  
> and often work to circumvent the law? Does it surprise anyone that lawyers  
> and WC threaten to turn the ADA into a weapon for extorting money, rather  
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> purposefully, because employers are the gatekeepers of employment, and  
> strict adherence to ideology turns a blind eye to the bigger picture. The  
> result is political warfare, and the threat is that we will lose one of the  
> best laws we have to the popular ideology of the day. Meanwhile,  
> employment outcomes for people with disabilities has not seen the dramatic  
> improvement post ADA, and employers complain about the quality of the labor  
> markets they have available. To steal a line from LBJ, let us reason  
> together. If you demand fairness, let it apply to both sides. Pass  
> legislation that will make it easier, and yes, profitable, for employers to  
> hire and train people with disabilities. Do not let ideology stand in the  
> way of common sense. Talk to Bob Dole, before Phil Gramm becomes  
> president.

>  
>  
>  
>



[1482] From: DMASTERS@jcpenney.com at Internet 6/20/95 3:30PM (1914 bytes: 48 ln  
)  
To: awd@counterpoint.com at Internet  
Subject: RE:attack on the ADA

----- Message Contents -----

Text item 1: Text Item

Please site your source. Bob Dole, is one of the main supporters of the ADA, and a leading cause of its passage. Sen. Dole, himself has a serious disability caused by a gun-shot wound while in the army in WWII. I would be very interested in your source. thanks...aL. \*\*THESE OPINIONS ARE MY OWN AND REFLECT IN NO WAY ON MY EMPLOYEEER\*\*.

\*\*\*\*\*  
\*\*\*\*

Al Masters - JCPenney Co., Inc.  
Dallas, Tx (214)591-6579  
Fax - (214)531-6579  
dmasters@jcpenney.com

\*\*\* Forwarded Note \*\*\*

Subject: attack on the ADA

From: Patt Bromberger <patt@squid.tram.com>  
Date: Jun 18 11:14  
To: awd@counterpoint.com  
CC:  
\*\*\*\*

--- Forwarded mail

Date: Sun, 18 Jun 1995 11:37:30 -0400  
From: IRISH38@AOL.COM  
Subject: ALERT - ATTACK ON THE ADA !!

6/18/95 - Congressional Majority Leader bob Dole, a Republican, who has already let it be know he will run for President in 1996, stated that if he is elected, one of his primary goals will be to eliminate the ADA, calling it "An excuse for lazy people not to work".

This is the second congressional attack on the ADA in the past month. It took 200 years for our civil rights to be recognized, now the Republicans want to revoke the ADA ! I don't seem to recall any talk in the 60's about revoking the newly granted civil rights for blacks, or even earlier this century, any talk about revoking voting rights for women. Why do the Republicans want to target us ? We must write congress and the President, and encourage the 49 million disabled Americans to do the same.

--- End of forwarded message

\*\*\* End Forwarded Note \*\*\*

[1483] From: Patt Bromberger <patt@squid.tram.com> at Internet 6/20/95 4:21PM (1  
420 bytes: 26 ln)

To: Alec Vachon at Dole-DC

Subject: Re: YOUR ALLEGATIONS REGARDING SENATOR DOLE

----- Message Contents -----

Text item 1: Text Item

Here's the source - it's

Date: Sun, 18 Jun 1995 11:37:30 -0400

From: IRISH38@AOL.COM

Subject: ALERT - ATTACK ON THE ADA !!

6/18/95 - Congressional Majority Leader bob Dole, a Republican, who has  
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century, any talk about revoking voting rights for women. Why do the  
Republicans want to target us ? We must write congress and the President,  
and encourage the 49 million disabled Americans to do the same.

Patricia Ann Bromberger - patt@squid.tram.com  
Student Organization for Every Disability United for Progress at  
The Mamie and Frank Goldstein Resource Center for Students with Disabilities  
Brooklyn College/CUNY (718) 252-9230



[1486] From: Alec Vachon at DOLE-DC 6/20/95 5:58PM (602 bytes: 7 ln)  
To: patt@squid.tram.com at Internet  
Receipt Requested  
bcc: Alec Vachon (avachon)  
Subject: QUESTION

----- Message Contents -----

Thank you for the response. Did you check the truth of the allegations at all yourself? I personally would hesitate before broadcasting what is essentially an anonymous slam at anyone. Speaking personally, Senator Dole is a longtime leader for disability rights, and I don't think it helps the disability rights movement to attack their own.

[1488] From: Alec Vachon at DOLE-DC 6/21/95 9:36AM (5329 bytes: 105 ln)  
To: john\_mckeown@gtsi.com at Internet, mckeown@netcom.com at Internet  
Receipt Requested  
bcc: Alec Vachon (avachon)  
Subject: INFO ABOUT SENATOR DOLE

----- Message Contents -----

A message appeared on the Internet on Sunday, June 18th, (copy below) alleging that Senator Bob Dole said over the weekend that he wanted to repeal the ADA, and called people with disabilities "lazy." Not true--completely false. The person or persons spreading this message never even had the courtesy of checking with Senator Dole's office to get the real facts.

What Senator Dole said on Saturday was that he wanted to help members of the U.S. Conference of Mayors implement the ADA. Perhaps if a few more members of Congress stepped up to the plate like Senator Dole we would hear less criticism of ADA. Sometimes it is not clear whether some disability activists are more interest in fanning partisan politics than improving the lives of people with disabilities.

Senator Dole sent the following letter on Monday to a leading disability advocate on this matter:

"I understand that you are concerned about some remarks I made about the Americans with Disabilities Act at the U.S. Conference of Mayors's annual meeting on Saturday. The gist of my remarks was that I wanted to know from the Mayors any problems they had with ADA, and that I was prepared to help them find solutions.

"This promise to the Mayors was part of my commitment to ADA and to the full participation of people with disabilities in American society--which is unchanged. You know better than most my record on disability rights, and my efforts to get ADA enacted. But my job didn't end the day ADA passed the Senate. I have an ongoing responsibility to make sure ADA is working--for both people with disabilities and for business and state and local governments.

"Several months ago my staff began talking with associations that represent local governments to learn how ADA was going for them. I felt this outreach was particularly important since ADA was exempted from recent unfunded mandates legislation. Such associations often have the pulse of their members, and are important conduits of information. We learned, for example, that many local communities were having a tough time in getting straight answers from the Justice Department on exactly what is required by ADA. It is simply not fair that people are asked to do something when we aren't clear with them on what that something is. I am trying to fix this problem--along with other members of the Senate.

"Let me note that I am less concerned about press reports alleging "horror stories" about ADA than the daily, unglamorous work of implementing ADA--from building curb ramps to thinking through how services can be made accessible.

"In my view, reaching out to associations that represent



state and local governments--from top officials to the middle management of public works departments--is something the disability community needs to be doing more. I hope my remarks will prompt some in the disability community to take greater initiative in this regard.

"I also know some people with disabilities are concerned about public criticism--even comment--about ADA. Frankly, I think thoughtful debate is always a healthy sign. It means people are paying attention. In 1973, Congress passed the Rehabilitation Act, which required that Federally funded programs be accessible. Yet, as you know, for many years little happened.

"If it takes some griping to get action on ADA, I think it's a small price to pay.

"Also, let us remember ADA asks something of most Americans--usually not a lot, but sometimes a great deal. It is only reasonable that people will raise questions and concerns. Indeed, part of the beauty of America is that any six people may have 10 opinions on the same subject.

"As always, I respect and invite your advice and counsel, and if there is any way I can be helpful, please let me know."

>[1510] From: Patt Bromberger <patt@squid.tram.com> at Internet  
6/18/95 12:04PM

>To: awd@counterpoint.com at Internet

>Subject: attack on the ADA

>-----Message Contents-----

>--- Forwarded mail

>

>Date: Sun, 18 Jun 1995 11:37:30 -0400

>From: IRISH38@AOL.COM

>Subject: ALERT - ATTACK ON THE ADA !!

>

>6/18/95 - Congressional Majority Leader Bob Dole, a Republican,  
>who has already let it be know he will run for President in  
>1996, stated that if he is elected, one of his primary goals  
>will be to eliminate the ADA, calling it "An excuse for lazy  
>people not to work".

>

>This is the second congressional attack on the ADA in the past  
>month. It took 200 years for our civil rights to be recognized,  
>now the Republicans want to revoke the ADA! I don't seem to  
>recall any talk in the 60's about revoking the newly granted  
>civil rights for blacks, or even earlier this century, any talk  
>about revoking voting rights for women. Why do the Republicans  
>want to target us? We must write congress and the President,  
>and encourage the 49 million disabled Americans to do the same.

>--- End of forwarded message



[1489] From: Alec Vachon at DOLE-DC 6/21/95 10:00AM (5288 bytes: 105 ln)  
To: ginamcdon1952@aol at Internet  
Receipt Requested  
bcc: Alec Vachon (avachon)  
Subject: FOLLOW UP TO OUR CONVERSATION

----- Message Contents -----  
A message appeared on the Internet on Sunday, June 18th, (copy below) alleging that Senator Bob Dole said over the weekend that he wanted to repeal the ADA, and called people with disabilities "lazy." Not true--completely false. The person or persons spreading this message never even had the courtesy of checking with Senator Dole's office to get the real facts.

What Senator Dole said on Saturday was that he wanted to help members of the U.S. Conference of Mayors implement the ADA. Perhaps if a few more members of Congress stepped up to the plate like Senator Dole we would hear less criticism of ADA. Sometimes it is not clear whether some disability activists are more interest in fanning partisan politics than improving the lives of people with disabilities.

Senator Dole sent the following letter on Monday to a leading disability advocate on this matter:

"I understand that you are concerned about some remarks I made about the Americans with Disabilities Act at the U.S. Conference of Mayors's annual meeting on Saturday. The gist of my remarks was that I wanted to know from the Mayors any problems they had with ADA, and that I was prepared to help them find solutions.

"This promise to the Mayors was part of my commitment to ADA and to the full participation of people with disabilities in American society--which is unchanged. You know better than most my record on disability rights, and my efforts to get ADA enacted. But my job didn't end the day ADA passed the Senate. I have an ongoing responsibility to make sure ADA is working--for both people with disabilities and for business and state and local governments.

"Several months ago my staff began talking with associations that represent local governments to learn how ADA was going for them. I felt this outreach was particularly important since ADA was exempted from recent unfunded mandates legislation. Such associations often have the pulse of their members, and are important conduits of information. We learned, for example, that many local communities were having a tough time in getting straight answers from the Justice Department on exactly what is required by ADA. It is simply not fair that people are asked to do something when we aren't clear with them on what that something is. I am trying to fix this problem--along with other members of the Senate.

"Let me note that I am less concerned about press reports alleging "horror stories" about ADA than the daily, unglamorous work of implementing ADA--from building curb ramps to thinking through how services can be made accessible.

"In my view, reaching out to associations that represent



state and local governments--from top officials to the middle management of public works departments--is something the disability community needs to be doing more. I hope my remarks will prompt some in the disability community to take greater initiative in this regard.

"I also know some people with disabilities are concerned about public criticism--even comment--about ADA. Frankly, I think thoughtful debate is always a healthy sign. It means people are paying attention. In 1973, Congress passed the Rehabilitation Act, which required that Federally funded programs be accessible. Yet, as you know, for many years little happened.

"If it takes some griping to get action on ADA, I think it's a small price to pay.

"Also, let us remember ADA asks something of most Americans--usually not a lot, but sometimes a great deal. It is only reasonable that people will raise questions and concerns. Indeed, part of the beauty of America is that any six people may have 10 opinions on the same subject.

"As always, I respect and invite your advice and counsel, and if there is any way I can be helpful, please let me know."

>[1510] From: Patt Bromberger <patt@squid.tram.com> at Internet  
6/18/95 12:04PM

>To: awd@counterpoint.com at Internet

>Subject: attack on the ADA

>-----Message Contents-----

>--- Forwarded mail

>

>Date: Sun, 18 Jun 1995 11:37:30 -0400

>From: IRISH38@AOL.COM

>Subject: ALERT - ATTACK ON THE ADA !!

>

>6/18/95 - Congressional Majority Leader Bob Dole, a Republican,  
>who has already let it be know he will run for President in  
>1996, stated that if he is elected, one of his primary goals  
>will be to eliminate the ADA, calling it "An excuse for lazy  
>people not to work".

>

>This is the second congressional attack on the ADA in the past  
>month. It took 200 years for our civil rights to be recognized,  
>now the Republicans want to revoke the ADA! I don't seem to  
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>about revoking voting rights for women. Why do the Republicans  
>want to target us? We must write congress and the President,  
>and encourage the 49 million disabled Americans to do the same.

>--- End of forwarded message



From: FREDFAY@delphi.com  
Sender: owner-justice@TNET.COM  
Resent-from: patt@squid.tram.com (Patt Bromberger)  
To: justice@TNET.COM  
Date: 95-06-22 00:40:00 EDT

JUSTICE FOR ALL

justice@tnet.com

BECKY OGLE: CHAIR, MARK SMITH: TRUTH TEAM COORDINATOR, 754 NORTH  
PRESIDENT STREET, SUITE 2, JACKSON, MS 39202, 601/969-0601 V/TDD,  
969-1662 FAX, JUSTIN & YOSHIKO DART: 907 6TH STREET, S.W., #516C,  
WASHINGTON, DC 20024, 202/488-7684 V/TDD, 863-0010 FAX TARI SUSAN  
HARTMAN: 310/578-5955 V/TDD, 578-6065 FAX, FRED FAY: E-MAIL  
COORDINATOR, justice@tnet.com

MAJORITY LEADER DOLE QUOTED AS CALLING FOR "RETOOL" OF ADA

SUNDAY BOSTON GLOBE: "Dole, the Senate Majority Leader, told  
the U.S. Conference of Mayors (Miami, June 17) that he wants to  
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'maybe we've gone too far in some areas' in implementing it. He  
said he'd like to retool it, 'not to devastate the program, butter.'"

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the misinformation he has received, presenting our truth, offering  
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profoundly concerned. You are one of us. For 26 years you have  
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in the creation of every law and program that is positive for  
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can never repay. But now, just as we have gotten our foot in the  
door of the American dream, at a time when our hard won new  
citizenship is under assault by others who would amend the ADA to



restore traditional segregation, our most powerful supporter in government is quoted as saying "maybe we've gone too far," maybe we ought to "retool" the ADA.

SENATOR DOLE, THE ADA IS A WELL CONCEIVED LAW. You helped to write it. It has not caused any of the problems that opponents predicted. It has made a good start toward the achievement of its long term goal: full participation in free enterprise democracy by 49 million Americans with disabilities. There is one major problem. The original opponents of the ADA have launched a massive, vicious campaign of misinformation, fear and fallacy.

FALLACY: ADA COSTS TOO MUCH. Businesses, cities, counties will be bankrupted. ADA is one of the mandates that will take "up to one third of city budgets."

THE TRUTH: THE ADA HAS CAUSED NO BANKRUPTCIES, no serious economic problems. Not one. It never will. Because the Act specifically states that no public entity or business can be forced to do anything that will result in an undue financial burden. It states that when necessary alternative services can be delivered to citizens with disabilities in ways that are equitable and cost effective. Those are good, common sense, free enterprise provisions.

THE TRUTH IS THAT NO CITY has been forced, no city could be forced to spend anything near one third of its budget on the ADA. How many cities have actually spent as much as two percent of their budgets on the ADA?

THE TRUTH IS THAT FOR 22 YEARS cities have been required by the Rehabilitation Act of 1973 to effect most of the accessibility mandated by the ADA. It is the cities that have not complied with the 1973 law that are complaining about "abrupt" expenses.

BUT YES, SENATOR, THERE IS AN ECONOMIC AND MORAL HORROR STORY. Obsolete discriminatory attitudes and environments condemn 69% of working age Americans with disabilities to unemployment. Millions are forced to depend on public or private welfare, incarcerated in institutions and the back rooms of ghettos. President Bush estimated that this costs our nation almost \$200 billion cash every year. Who pays? Who suffers? Who else? Every American business, city, county, tax payer and family, present and future.

THE REAL QUESTION is not how much will ADA cost? It is "how much will ADA save?" The real question for today's Americans with and without disabilities is, will we as a nation have the character to overcome prejudice, paternalism, and economic self-indulgence, and to invest in free enterprise for all?

SENATOR DOLE, it is difficult for us to believe that you would intentionally do anything that would give the slightest support to limitations on our ADA rights, our citizenship and our humanity. But surely your statement to the Mayor's Conference could be



understood and quoted by the opponents of the ADA as supporting allegations and actions which we know you do not support. We hope and trust that future statements by you will clarify any doubts that might have been raised. The coming fifth anniversary celebration of the signing of the ADA will give ample opportunity for such statements.

SENATOR DOLE, we who have disabilities thank you for your support over the years. We need your leadership more than ever. We will cooperate 100% to achieve harmonious cost effective implementation of the ADA. But we will fight with all of our strength any change that weakens our rights as American citizens.

Senator Bob Dole, Hart Senate Office Building, Room 141,  
Washington, D.C. 20510, 202/224-6521 Voice, 202/224-8952 FAX,  
913/295-2745 Topeka, 913/371-6108 Kansas City, 316/263-4956 Wichita

=====  
= Moderated Justice-For-All Mailing list =  
=====



[1490] From: Patt Bromberger <patt@squid.tram.com> at Internet 6/22/95 12:15AM (915 bytes: 15 ln)

To: alec vachon at Dole-DC

Subject: Re: attack on the ADA

----- Message Contents -----

Text item 1: Text Item

>Message was resent -- Original recipients were:

To:

patt@squid.tram.com-----

Oh, puhleeese. I know Bob Dole is a wounded veteran. So am I. I have the Navy Cross, the highest medal bestowed on Navy personnel, a purple heart and the Defense Department Citation for Bravery.

But I know I, along with several million other Americans, was watching Bob Dole on the Sunday Today Show, 6/18/95, saying that he wanted to get rid of the ADA, as it "is just an excuse for lazy people not to work."

If I remember my Congressional Record correctly, Bob Dole was one of the most vocal OPPONENTS of the ADA, not a supporter.

[1492] From: Patt Bromberger <patt@squid.tram.com> at Internet 6/22/95 12:21AM (735 bytes: 11 ln)

To: alec vachon at Dole-DC

Subject: Re: WHAT DOLE REALLY SAID ON SATURDAY

----- Message Contents -----

Text item 1: Text Item

>Message was resent -- Original recipients were:

To:  
patt@squid.tram.com-----  
-----

This alleged letter is interesting, but would perhaps carry more credibility if you disclosed who he sent it to. Perhaps we are looking at a typical politician, "talking out of both sides of their mouths."

Why does Dick Armetage then count Bob Dole as a supporter of his publicly acknowledged effort to repeal significant portions of the ADA ?



[1493] From: Patt Bromberger <patt@squid.tram.com> at Internet 6/22/95 12:25AM (6676 bytes: 130 ln)

To: alec vachon at Dole-DC

Subject: Dole Calls for "Retool" of ADA

----- Message Contents -----

Text item 1: Text Item

>Message was resent -- Original recipients were:

To:  
justice@tnet.com-----  
-----

JUSTICE FOR ALL

justice@tnet.com

BECKY OGLE: CHAIR, MARK SMITH: TRUTH TEAM COORDINATOR, 754 NORTH PRESIDENT STREET, SUITE 2, JACKSON, MS 39202, 601/969-0601 V/TDD, 969-1662 FAX, JUSTIN & YOSHIKO DART: 907 6TH STREET, S.W., #516C, WASHINGTON, DC 20024, 202/488-7684 V/TDD, 863-0010 FAX TARI SUSAN HARTMAN: 310/578-5955 V/TDD, 578-6065 FAX, FRED FAY: E-MAIL COORDINATOR, justice@tnet.com

MAJORITY LEADER DOLE QUOTED AS CALLING FOR "RETOOL" OF ADA

SUNDAY BOSTON GLOBE: "Dole, the Senate Majority Leader, told the U.S. Conference of Mayors (Miami, June 17) that he wants to review a variety of federal mandates that take up as much as a third of many city budgets. Among those he mentioned were the Clean Water Act, The Safe Drinking Water Act and the Americans with Disabilities Act. Dole, a supporter of the disabilities law, said 'maybe we've gone too far in some areas' in implementing it. He said he'd like to retool it, 'not to devastate the program, butter.'"

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IT IS IMPERATIVE THAT ORGANIZATIONS AND INDIVIDUALS WRITE carefully considered letters to Majority Leader Dole, confronting the misinformation he has received, presenting our truth, offering to cooperate.

TALKING POINTS: SENATOR DOLE, people with disabilities are profoundly concerned. You are one of us. For 26 years you have been our champion, our hero in the Senate. You have participated in the creation of every law and program that is positive for people with disabilities. We owe you a debt of gratitude that we can never repay. But now, just as we have gotten our foot in the



door of the American dream, at a time when our hard won new citizenship is under assault by others who would amend the ADA to restore traditional segregation, our most powerful supporter in government is quoted as saying "maybe we've gone too far," maybe we ought to "retool" the ADA.

SENATOR DOLE, THE ADA IS A WELL CONCEIVED LAW. You helped to write it. It has not caused any of the problems that opponents predicted. It has made a good start toward the achievement of its long term goal: full participation in free enterprise democracy by 49 million Americans with disabilities. There is one major problem. The original opponents of the ADA have launched a massive, vicious campaign of misinformation, fear and fallacy.

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BUT YES, SENATOR, THERE IS AN ECONOMIC AND MORAL HORROR STORY. Obsolete discriminatory attitudes and environments condemn 69% of working age Americans with disabilities to unemployment. Millions are forced to depend on public or private welfare, incarcerated in institutions and the back rooms of ghettos. President Bush estimated that this costs our nation almost \$200 billion cash every year. Who pays? Who suffers? Who else? Every American business, city, county, tax payer and family, present and future.

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Senator Bob Dole, Hart Senate Office Building, Room 141,  
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913/295-2745 Topeka, 913/371-6108 Kansas City, 316/263-4956 Wichita

=====  
= Moderated Justice-For-All Mailing list =  
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[1494] From: Patt Bromberger <patt@squid.tram.com> at Internet 6/22/95 12:32AM (1429 bytes: 32 ln)

To: alec vachon at Dole-DC

Subject: can't send mail to Senator Dole Directly

----- Message Contents -----

Text item 1: Text Item

Please let me know if the Senator has a valid email address and what it is; I'd very much appreciate it.

Thank you.

Patricia Ann Bromberger - patt@squid.tram.com  
Student Organization for Every Disability United for Progress at  
The Mamie and Frank Goldstein Resource Center for Students with Disabilities  
Brooklyn College/CUNY (718) 252-9230

--- Forwarded mail from istrator@dole.senate.gov

>From @smtpgw.senate.gov:Administrator@dole.senate.gov Thu Jun 22 00:32:59 1995

Received: from gateway.senate.gov by squid.tram.com with SMTP

(5.67b/06Nov94-Tramway Systems) id AA04197; Thu, 22 Jun 1995 00:32:57 -0400

Received: by gateway.senate.gov (5.65/fma-100391);

id AA00262; Thu, 22 Jun 95 00:26:48 -0400

Received: from smtpgw by mailhost.senate.gov id aa22031; 22 Jun 95 0:15 EDT

Received: from cc:Mail by smtpgw.senate.gov

id AA803806229; Thu, 22 Jun 95 00:30:40 EST

Date: Thu, 22 Jun 95 00:30:40 EST

From: Administrator@dole.senate.gov

Message-Id: <9505228038.AA803806229@smtpgw.senate.gov>

To: Patt Bromberger <patt@squid.tram.com>

Subject: Message not deliverable

receipt

--- End of forwarded message from istrator@dole.senate.gov



[1496] From: Americans with Disabilities Act Law <ADA-LAW@vm1.nodak.edu> at  
Internet 6/22/95 1:31AM (6845 bytes: 133 ln)  
To: ADA-LAW@vm1.nodak.edu at Internet  
bcc: Alec Vachon at Dole-DC  
Subject: Dole calls for "Retool" of ADA - send your email letters now

----- Message Contents -----

Text item 1: Text Item

Email regarding Senator Dole's position on the A.D.A. should and could  
be sent To: Alec\_Vachon@dole.senate.gov  
Alexander Vachon, Office of Senator Bob Dole

The Following is Resent From: FREDFAY@delphi.com  
To: justice@tnet.com

JUSTICE FOR ALL

justice@tnet.com

BECKY OGLE: CHAIR, MARK SMITH: TRUTH TEAM COORDINATOR, 754 NORTH  
PRESIDENT STREET, SUITE 2, JACKSON, MS 39202, 601/969-0601 V/TDD,  
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913/295-2745 Topeka, 913/371-6108 Kansas City, 316/263-4956 Wichita

=====  
= Moderated Justice-For-All Mailing list =  
=====

--- End of forwarded message



2

[1497] From: Kerry Scriber <kgscriber@unix.stardate.net> at Internet 6/22/95 2:08AM (475 bytes: 13 ln)  
To: Alec Vachon at Dole-DC  
Subject: ADA

----- Message Contents -----

Text item 1: Text Item

Dear Mr. Dole,

Please do not mess around with the ADA. It is not perfect but if you folks start "fine tuning" it I believe that I would wind up in some pretty deep do.

Kerry Scriber  
West Palm Beach Fl.  
kscriber@unix.stardate.com

(and George the Wonder Dog!)



3

[1498] From: Americans with Disabilities Act Law <ADA-LAW@vm1.nodak.edu> at  
Internet 6/22/95 2:33AM (1985 bytes: 38 ln)  
To: ADA-LAW@vm1.nodak.edu at Internet  
bcc: Alec Vachon at Dole-DC  
Subject: Re: Dole calls for "Retool" of ADA - send your email letters

----- Message Contents -----

Text item 1: Text Item

Oh, boy! This is just "dandy". It took how many years for the disabled persons in this country to get meaningful legislation passed and now they want to undo it?

As far as I can tell, the problem does not actually pertain to the law itself. The problems that need addressing are within the administration of various programs and in eligibility certification. It is as though those who really need this law to preserve their rights are going to be re-stigmatized and left bereft of needed support and protection under law.

Is there some way to obtain a transcript to exactly what what said to the attendees of this meeting?

How soon does Senator Dole think action will begin on this?

Do we know which lobbyists are "talking" to Senator Dole? Dare we bury them in mail as well? Not the bashing kind, just some hard facts? Perhaps they need to be educated.

I represent an organization that deals with various types of situations that have resulted in a status of disabled. I will contact my board of directors and see what support I can get from them. I need their approval to get involved in political action anyway, so I'll ask them to join in with me.

Please contact me either by e-mail or by phone: (520) 763-5688, or by "snail mail" at 2045 Kingston Drive, Bullhead City, AZ 86442-5629 at your earliest convenience.

Thank you for providing this alert. Would it also help to contact our own state's representatives and senators?

Your response, or from anyone connected with the rebuttal project would be helpful in my presentation to my board and our 700+ members.

Thank you in advance,

Dianne R. Long  
DianneVIA@aol.com



[1499] From: Alec Vachon at DOLE-DC 6/22/95 10:58AM (5373 bytes: 102 ln)  
To: ada-law@vml.nodak.edu at Internet  
Receipt Requested  
bcc: Alec Vachon (avachon)  
Subject: WHAT SENATOR DOLE REALLY SAID

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"As always, I respect and invite your advice and counsel, and if there is any way I can be helpful, please let me know."

>[1510] From: Patt Bromberger <patt@squid.tram.com> at Internet  
>6/18/95 12:04PM

>To: awd@counterpoint.com at Internet

>Subject: attack on the ADA

>-----Message Contents-----

>--- Forwarded mail

>

>Date: Sun, 18 Jun 1995 11:37:30 -0400

>From: IRISH38@AOL.COM

>Subject: ALERT - ATTACK ON THE ADA !!

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>--- End of forwarded message



[1500] From: Americans with Disabilities Act Law <ADA-LAW@vm1.nodak.edu> at  
Internet 6/22/95 12:04PM (5158 bytes: 102 ln)  
To: ADA-LAW@vm1.nodak.edu at Internet  
bcc: Alec Vachon at Dole-DC  
Subject: WHAT SENATOR DOLE REALLY SAID

----- Message Contents -----

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>--- End of forwarded message



[1501] From: IRISH38@aol.com at Internet 6/22/95 12:20PM (6713 bytes: 135 ln)  
To: alec vachon at Dole-DC  
Subject: Fwd: Dole Calls for "Retool" of ADA

----- Message Contents -----

Text item 1: Text Item

-----  
Forwarded message:

From: FREDFAY@delphi.com

Sender: owner-justice@TNET.COM

Resent-from: patt@squid.tram.com (Patt Bromberger)

To: justice@TNET.COM

Date: 95-06-22 00:40:00 EDT

JUSTICE FOR ALL

justice@tnet.com

BECKY OGLE: CHAIR, MARK SMITH: TRUTH TEAM COORDINATOR, 754 NORTH  
PRESIDENT STREET, SUITE 2, JACKSON, MS 39202, 601/969-0601 V/TDD,  
969-1662 FAX, JUSTIN & YOSHIKO DART: 907 6TH STREET, S.W., #516C,  
WASHINGTON, DC 20024, 202/488-7684 V/TDD, 863-0010 FAX TARI SUSAN  
HARTMAN: 310/578-5955 V/TDD, 578-6065 FAX, FRED FAY: E-MAIL  
COORDINATOR, justice@tnet.com

MAJORITY LEADER DOLE QUOTED AS CALLING FOR "RETOOL" OF ADA

SUNDAY BOSTON GLOBE: "Dole, the Senate Majority Leader, told  
the U.S. Conference of Mayors (Miami, June 17) that he wants to  
review a variety of federal mandates that take up as much as a  
third of many city budgets. Among those he mentioned were the  
Clean Water Act, The Safe Drinking Water Act and the Americans with  
Disabilities Act. Dole, a supporter of the disabilities law, said  
'maybe we've gone too far in some areas' in implementing it. He  
said he'd like to retool it, 'not to devastate the program, butter.'"

THIS PRESENTS A SERIOUS POTENTIAL PROBLEM FOR OUR COMMUNITY.  
Senator Dole is one of the two or three most powerful persons in  
the nation. He has been our ally and friend during all of his 26  
year Senate career. He is one of us. Yet we must let him know  
that he is receiving misinformation from lobbyists who are  
advocating a retreat to segregation. We must counsel with him to  
restore the great productive partnership of the last two and a half  
decades.

THIS IS NOT A CALL TO "BASH BACK." This is not a call to flood  
Senator Dole's office with thousands of calls and cards, with angry  
messages and demonstrations.

IT IS IMPERATIVE THAT ORGANIZATIONS AND INDIVIDUALS WRITE  
carefully considered letters to Majority Leader Dole, confronting  
the misinformation he has received, presenting our truth, offering  
to cooperate.

TALKING POINTS: SENATOR DOLE, people with disabilities are  
profoundly concerned. You are one of us. For 26 years you have  
been our champion, our hero in the Senate. You have participated



in the creation of every law and program that is positive for people with disabilities. We owe you a debt of gratitude that we can never repay. But now, just as we have gotten our foot in the door of the American dream, at a time when our hard won new citizenship is under assault by others who would amend the ADA to restore traditional segregation, our most powerful supporter in government is quoted as saying "maybe we've gone too far," maybe we ought to "retool" the ADA.

SENATOR DOLE, THE ADA IS A WELL CONCEIVED LAW. You helped to write it. It has not caused any of the problems that opponents predicted. It has made a good start toward the achievement of its long term goal: full participation in free enterprise democracy by 49 million Americans with disabilities. There is one major problem. The original opponents of the ADA have launched a massive, vicious campaign of misinformation, fear and fallacy.

FALLACY: ADA COSTS TOO MUCH. Businesses, cities, counties will be bankrupted. ADA is one of the mandates that will take "up to one third of city budgets."

THE TRUTH: THE ADA HAS CAUSED NO BANKRUPTCIES, no serious economic problems. Not one. It never will. Because the Act specifically states that no public entity or business can be forced to do anything that will result in an undue financial burden. It states that when necessary alternative services can be delivered to citizens with disabilities in ways that are equitable and cost effective. Those are good, common sense, free enterprise provisions.

THE TRUTH IS THAT NO CITY has been forced, no city could be forced to spend anything near one third of its budget on the ADA. How many cities have actually spent as much as two percent of their budgets on the ADA?

THE TRUTH IS THAT FOR 22 YEARS cities have been required by the Rehabilitation Act of 1973 to effect most of the accessibility mandated by the ADA. It is the cities that have not complied with the 1973 law that are complaining about "abrupt" expenses.

BUT YES, SENATOR, THERE IS AN ECONOMIC AND MORAL HORROR STORY. Obsolete discriminatory attitudes and environments condemn 69% of working age Americans with disabilities to unemployment. Millions are forced to depend on public or private welfare, incarcerated in institutions and the back rooms of ghettos. President Bush estimated that this costs our nation almost \$200 billion cash every year. Who pays? Who suffers? Who else? Every American business, city, county, tax payer and family, present and future.

THE REAL QUESTION is not how much will ADA cost? It is "how much will ADA save?" The real question for today's Americans with and without disabilities is, will we as a nation have the character to overcome prejudice, paternalism, and economic self-indulgence, and to invest in free enterprise for all?

SENATOR DOLE, it is difficult for us to believe that you would intentionally do anything that would give the slightest support to limitations on our ADA rights, our citizenship and our humanity. But surely your statement to the Mayor's Conference could be understood and quoted by the opponents of the ADA as supporting



allegations and actions which we know you do not support. We hope and trust that future statements by you will clarify any doubts that might have been raised. The coming fifth anniversary celebration of the signing of the ADA will give ample opportunity for such statements.

SENATOR DOLE, we who have disabilities thank you for your support over the years. We need your leadership more than ever. We will cooperate 100% to achieve harmonious cost effective implementation of the ADA. But we will fight with all of our strength any change that weakens our rights as American citizens.

Senator Bob Dole, Hart Senate Office Building, Room 141,  
Washington, D.C. 20510, 202/224-6521 Voice, 202/224-8952 FAX,  
913/295-2745 Topeka, 913/371-6108 Kansas City, 316/263-4956 Wichita

=====  
= Moderated Justice-For-All Mailing list =  
=====

[1502] From: Greg Fowler <fowler@cisco.com> at Internet 6/22/95 12:21PM (5696 bytes: 116 ln)

To: Alec Vachon at Dole-DC

Subject: Re: WHAT SENATOR DOLE REALLY SAID

----- Message Contents -----

Text item 1: Text Item

Hi,

I saw your original post of this message to another list. Why not post the text of Senator Doyle's speech from last weekend? If all the press reports that contradict what you say in your PR piece are wrong, prove it by posting the text of the speech. Thanks.

Date: Thu, 22 Jun 1995 10:58:30 EST

To: Multiple recipients of list ADA-LAW <ADA-LAW@VM1.NODAK.EDU>

From: Alexander Vachon <Alec\_Vachon@DOLE.SENATE.GOV>

Subject: WHAT SENATOR DOLE REALLY SAID

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straight answers from the Justice Department on exactly what is required by ADA. It is simply not fair that people are asked to do something when we aren't clear with them on what that something is. I am trying to fix this problem--along with other members of the Senate.

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"As always, I respect and invite your advice and counsel, and if there is any way I can be helpful, please let me know."

>[1510] From: Patt Bromberger <patt@squid.tram.com> at Internet  
>6/18/95 12:04PM

>To: awd@counterpoint.com at Internet

>Subject: attack on the ADA

>-----Message Contents-----

>--- Forwarded mail

>

>Date: Sun, 18 Jun 1995 11:37:30 -0400

>From: IRISH38@AOL.COM

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>--- End of forwarded message



[1503] From: Alec Vachon at DOLE-DC 6/22/95 1:34PM (705 bytes: 8 ln)  
To: fowler@cisco.com at Internet  
Receipt Requested  
bcc: Alec Vachon (avachon)  
Subject: REPLY

----- Message Contents -----

Greg--Thanks for your e-mail. The Senator's remarks on ADA were extemporaneous, not part of the prepared text. I saw them on C-SPAN. In discussing concerns about ADA, I think a key problem is sensationalistic press accounts. See today's WALL STREET JOURNAL. I'm not sure what can be done about that--except as the Senator has done to ask people to come forward with real problems they need help with, and assume silence means no problems.



\$

[1504] From: chaos@indy.net at Internet 6/22/95 2:10PM (7688 bytes: 146 ln)  
To: Alec Vachon at Dole-DC  
Receipt Requested  
Subject: American with Disabilities Act

----- Message Contents -----

Text item 1: Text Item

Mr. Vachon:

I have a disability. My husband is also classified disabled.

Fortunately he is able to work in the mainstream work force with little in the way of cost for modifying his work environment. Most of what he requires is human understanding. This cannot be legislated, but it is easier to come by when there is a law requiring "acceptance" of those with disabilities.

I am not capable of working in the mainstream work force and for years attempted to run my own business from home. I am a white, female and found that because of that - and the fact that I have a college degree that most every avenue of funding was denied me. If I had been black or hispanic the world would have groveled at my feet throwing money as it did. I was desperate to try and be self-sufficient and just disabled enough to not be able to go about it on my own. Finally, I gave up and am now on the road to applying for SSD. I can no longer cope with a world that cannot accomodate someone with my disabilities.

Why am I writing this....because I have heard that Senator Dole is pushing for a "retooling" of the ADA. Why?? As far as I am concerned, the ADA didn't go far enough. It should be stronger. It should require more consideration for people who have disabilities.

The rest of this message is pretty standard...pulled off of the Internet and you have probably seen it before. It is much more glowing and well written....but not as personal.

Please encourage the Senator to strengthen the ADA rather than weaken it!!

Thank you for your consideration.

Cordially,

Julianne Vered

> SUNDAY BOSTON GLOBE: "Dole, the Senate Majority Leader, told  
> the U.S. Conference of Mayors (Miami, June 17) that he wants to  
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> been our champion, our hero in the Senate. You have participated in  
> the creation of every law and program that is positive for people  
> with disabilities. We owe you a debt of gratitude that we can never  
> repay. But now, just as we have gotten our foot in the door of the  
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> Senator Bob Dole, Hart Senate Office Building, Room 141, Washington,  
> D.C. 20510, 202/224-6521 Voice, 202/224-8952 FAX, 913/295-2745  
> Topeka, 913/371-6108 Kansas City, 316/263-4956 Wichita



[1491] From: Patt Bromberger <patt@squid.tram.com> at Internet 6/22/95 12:18AM (2155 bytes: 50 ln)  
To: Alec Vachon at Dole-DC, Irish38@aol.com at Internet  
Subject: Re: QUESTION

----- Message Contents -----

Text item 1: Text Item

On Jun 20, 18:06, Alec\_Vachon@dole.senate.gov wrote:

{  
    Thank you for the response. Did you check the truth of  
    the allegations at all yourself? I personally would  
    hesitate before broadcasting what is essentially an  
    anonymous slam at anyone. Speaking personally, Senator  
    Dole is a longtime leader for disability rights, and I don't  
    think it helps the disability rights movement to attack  
    their own.  
}-- End of excerpt from Alec\_Vachon@dole.senate.gov

You might be interested in the following reply I received about the source of Senator Dole's statement:

--- Forwarded mail from Irish38@aol.com

Date: Tue, 20 Jun 1995 16:51:17 -0400  
From: IRISH38@aol.com  
Message-Id: <950620165116\_74727261@aol.com>  
To: patt@squid.tram.com  
Subject: Re: attack on the ADA

Oh, puhleeese. I know Bob Dole is a wounded veteran. So am I. I have the Navy Cross, the highest medal bestowed on Navy personnel, a purple heart and the Defense Department Citation for Bravery.

But I know I, along with several million other Americans, was watching Bob Dole on the Sunday Today Show, 6/18/95, saying that he wanted to get rid of the ADA, as it "is just an excuse for lazy people not to work."

If I remember my Congressional Record correctly, Bob Dole was one of the most vocal OPPONENTS of the ADA, not a supporter.

--- End of forwarded message from 38@aol.com

Patricia Ann Bromberger - patt@squid.tram.com  
Student Organization for Every Disability United for Progress at  
The Mamie and Frank Goldstein Resource Center for Students with Disabilities  
Brooklyn College/CUNY (718) 252-9230

Don't approach a goat from the front,  
a horse from the back  
or a fool from any side.

-Yiddish proverb



5

[1505] From: "Chris Gray ((408) 256-5496)" <cgray@vnet.ibm.com> at Internet 6/22/95 12:27PM (2039 bytes: 41 ln)  
To: alec vachon at Dole-DC  
cc: smarshall@afb.org at Internet, juliec@access.digex.net at Internet  
Subject: Senator Dole's Remarks

----- Message Contents -----

Text item 1: Text Item

June 22, 1995

Dear Mr. Vachon:

The news about Senator Dole's remarks has been making its way quickly around the community of disabled people in America. Through the Internet, I read with interest the letter Senator Dole wrote to Justin Dart on Monday. In addition, the fact that the letter has been propogated throughout the Internet but not the speech or remarks surrounding the speech tells me something, too. However, for the sake of courtesy and positive discussion I'll confine my remarks to the letter you placed on the Internet.

First, Justin Dart may know the Senator's commitment to ADA, but I don't. I was more familiar with Senator Dole's thoughts in this area during S.504 hearings in 1976-77 and at that time his support for the disabled community was luke warm at best. If his position has changed, we need to hear it in straightforward, honest language.

Secondly, if Senator Dole and his staff are discussing the successes and failures of ADA with local officials, are they also discussing these issues with the disabled community? Discussions at the national level through our representatives in Washington would do if you're strapped for resources to go throughout the country. In fact, I've copied two individuals who represent me as a blind person in Washington, DC. I hope that you are talking with disabled people; we have a set of frustrations and problems that are similar in cases but also different from those of our local civil servants.

I look forward to your response. I would particularly appreciate anything you could tell me about Senator Dole's voting record and specific actions in this area that supports disbled people.

Thank you.

Sincerely,

Chris Gray