

[1506] From: Patt Bromberger <patt@squid.tram.com> at Internet 6/22/95 5:55PM (5  
73 bytes: 8 ln)  
To: alec vachon at Dole-DC  
Subject: Re: QUESTION

----- Message Contents -----

Text item 1: Text Item

>Message was resent -- Original recipients were:

To:

patt@squid.tram.com-----

-----  
I'm not sure that I understand. Are you saying that the tape shown on NBC's  
Sunday Today Show was edited, sabotaged, or whatever ? That is a serious  
allegation to make against a news program, even NBC's news.

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[1507] From: Carolyn Tyjewski <ctyjewsk@magnus.acs.ohio-state.edu> at Internet 6  
/22/95 6:05PM (2671 bytes: 49 ln)  
To: Alec Vachon at Dole-DC  
Subject: Re: Dole calls for "Retool" of ADA - send your email letters  
----- Message Contents -----

Text item 1: Text Item

To: Alec\_Vachon@dole.senate.gov  
Alexander Vachon, Office of Senator Bob Dole

Senator Dole,

My name is Carolyn Tyjewski. I am a Blind student at The Ohio State University and I am concerned about something you said recently at the U.S. Conference of Mayors (Miami, June 17). According to the 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.'"

Senator, for years you have championed the cause of the Disabled community and I thank you for it. However, I fear you are folding to pressure from opponents of the ADA and many misinformed individuals. I hope this is not the case. I hope I misread.

Senator, the ADA is not, as I'm sure you know, a federal mandate. The ADA is a Civil Rights Law. It does not put undue burden on cities, businesses, and tax payers. The ADA saves tax payers money by making more people more productive, by allowing more people the ability to work and thereby getting more people off welfare, SSDI, etc. The ADA also, by giving more people the ability to work, creates more tax dollars to spend. Furthermore, most of the accessibility issues that cities are required to adhere to via the ADA were also required twenty-two years ago via The Rehabilitation Act of 1973.

Senator, given your track record, I find it difficult to believe that you would intentionally do anything that would give the slightest support to impeding the civil and human rights of the Disabled population. I hope that your speech to the U.S. Conference of Mayors was misrepresented by opponents of the ADA to validate the misinformation they have been giving to the larger society. I hope that in the future that you will clarify your stand on this issue.

Senator Dole, I would like to thank you for your past leadership and support of the Disabled community. I hope I can count on it now and in the future.

Sincerely,  
Carolyn Tyjewski  
ctyjewsk@magnus.acs.ohio-state.edu



[1509] From: IRISH38@aol.com at Internet 6/22/95 9:20PM (1312 bytes: 29 ln)  
To: alec vachon at Dole-DC  
cc: patt@squid.tram.com at Internet  
Subject: Fwd: QUESTION

----- Message Contents -----

Text item 1: Text Item

I'm not sure how this message got forwarded to me. Is someone saying that both the Sunday Today Show and the Boston Globe were wrong? If so, how? Did they forge a sound clip? Did they use an actor that resembled Senator Dole? Who gave the Boston Globe their information? Was it an opposition candidate of some sort to Senator Dole's presidential campaign? Was it the gunman on the grassy knoll?

"Inquiring minds want to know... "

Rev. Jim Sutter (IRISH38)

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Forwarded message:

From: Alec\_Vachon@dole.senate.gov  
Resent-from: patt@squid.tram.com (Patt Bromberger)  
To: patt@squid.tram.com  
Date: 95-06-22 18:28:57 EDT

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.



[1510] From: Bill Justin <bjustin@america.com> at Internet 6/22/95 11:42PM (3934 bytes: 86 ln)

To: Alec Vachon at Dole-DC

Subject: Re: WHAT SENATOR DOLE REALLY SAID

----- Message Contents -----

Text item 1: Text Item

On Thu, 22 Jun 1995, Alexander Vachon wrote:

> 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  
> to get the real facts.  
>  
> What Senator Dole said on Saturday in Miami as 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.  
>  
> Senator Dole sent the following letter on Monday to Justin Dart  
> on this matter:  
>

I would like to ask for some help from the Honorable Senator Dole.

I am a Viet Nam Vet from the late 60's. In April 1994, I was diagnosed with Chronic Epstein Barr Virus and Chronic Fatigue Syndrome.

I work for the Florida Dept of Business and Professional Regulation and have a BA in Legal Studies (paralegal).

From April 1994 to the end of January 1995, I was allowed to work four days a week at home under what I thought was an accomodation under the ADA. BTW, I live about 40 miles North of Orlando and the commute is about an hour each way in heavy Interstate 4 traffic.

For reasons unknown to me the Department has decided not to reasonably accomodate my condition. I've given the Dept letters from my medical doctor regarding my condition to no avail.

I sure would appreciate it if Senator Dole would give a call to Governor Chiles about this matter and ask him to look into it. With me being a peon paralegal and a life long Republican I don't think I'd stand a chance of getting through to Gov Chiles. The new Secretary of the Dept of Bus and Professional Regulation is Rick Farrell who used to work on Gov Chiles staff in Washington when he was a Senator. I've used up all my sick time and accrued vacation time. The next thing is leave without pay and at 49 with a son in college I don't know how we'll make ends meet. I've asked the chief real estate attorney, Fieldman, and the employee relations directory Paul Bechstein about authorization to take leave without pay when I'm unable to come to the Orlando office, but they pass the buck between each other and give no answer.

I've talked with my local Florida state representative Earl Ziebarth, a Republican who happens to be on the committee that oversees the Fla. Dept of Bus and Professional Regulation, but he says he cannot help because I



happen to work for state government. So much for help from a fellow Republican.

I understand where the militia and patriots are coming from now. It seems like Government at all levels has gotten to the point where they don't care about the people.

I've been a registered Republican since 1968 and now I'm ready to join a third party if formed or register as an Independent.

Even though I have a BA in paralegal studies, who's going to hire a person with Chronic Fatigue Syndrome and Chronic Epstein Barr Virus who is barely able to telecommute?

I've talked with a guy from the disability advocacy center. He's had dealings with Bechstein and Bill Woodyard of DBPR and he has nothing good to say about them.

If you need further information I'd be happy to provide it.

Sorry for rambling on.

Thank you for your time and consideration. I doubt very much I'll even hear back from you or the good Senator.

Bill Justin  
1208 War Admiral Drive  
DeLand, FL 32724

904-738-4499 voice

[bjustin@america.com](mailto:bjustin@america.com)

[1511] From: "Michael L. Rossman" <rossmanm@river.it.gvsu.edu> at Internet 6/23/95 12:12AM (2255 bytes: 33 ln)  
To: Alec Vachon at Dole-DC  
Subject: ADA

----- Message Contents -----

Text item 1: Text Item

ADA is simply a tool for providing civil rights for people with disabilities. As long as the government buys over-the-counter drugs on prescription at prescription prices, is willing to spend \$.5M for one person to recover from neglectful care rather than ensure decent care in the first place, allow smart people with disabilities to be dumped in nursing homes, and discourage the participation of the disabled in society - as long as the government actively spends vast amounts of money on these things, there is no argument that ADA is too expensive. The Constitution gives to each person the right to life, liberty and the pursuit of happiness. Forced incarceration in institutions is not liberty: nurses who tell you you have no rights is not life. Refusal to allow you any pleasurable experience is not allowing the pursuit of happiness.

The ADA is used as a ploy to make people resent the disabled: accessibility is required where it is not exorbitantly expensive. Just as access for blacks, or women, is required.

The ADA needs to be enforced, not ignored, not changed. As long as there is a law like the ADA which the state governments refuse to enforce, and the federal government can't cope with the volume of complaints, more needs to be done not less.

Senator Dole was lucky that his family and his whole town stood by him in his time of need: many others are not so fortunate. Both my brother-in-law, 50 years ago, and someone I recently met, 2 years ago, were hidden away and dumped by their families and society. Nobody is willing to help them, least of all those who are paid to do so. Unless these wonderful men are given the chance to become part of society, be visible, and contribute, by us in the community, they will never have the chances to contribute that you and I have had.

Suppose Senator Dole had been shunted away by his family, and left to himself in an institution? He would not have been able to contribute in the way he has to this country,  
Louise Wilson



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[1512] From: David Schneider <herblisa@panix.com> at Internet 6/23/95 12:52AM (6  
094 bytes: 122 ln)  
To: Alec Vachon at Dole-DC  
Subject: Dole calls for "Retool" of ADA - send your email letters now  
----- Message Contents -----

Text item 1: Text Item

My sentiments are the same.

Thank you very much.

David Schneider  
The Mood Disorders Support Group  
Brooklyn, NY

From: Justice For All

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



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[1518] From: Ernie Buell <wheeler@iadfw.net> at Internet 6/23/95 6:08PM (5320 bytes: 95 ln)  
To: Alec Vachon at Dole-DC  
Subject: To: Alec\_Vachon@dole.senate.gov  
----- Message Contents -----

Text item 1: Text Item

To: Office of Senator Bob Dole via E-Mail to Alexander Vachon@dole.senate.gov

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.

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I live in North Richland Hills, Texas a suburb of Fort Worth Texas. Due to ADA our city and its citizens have become more aware of accesability issues. Throught private funding working with city resources and land we sucussfully built a large fully accesable playground. This has allowed disabled children to enjoy full participation with their friends and has allowes disabled parents to be close to their children and particpate in playtime instead of just watching from afar.

THIS INCLUSION APPROACH for the disabled helps to strengthen the family and supports the disabled youth to be part of society at an early age.

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? My city uses ADA as the guide to a different approach to new construction that allows full accessability the cost differences are either non exsistant or minimial.



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[1519] From: Joe Crumley <jcrumley@grits.valdosta.peachnet.edu> at Internet 6/23/95 7:32PM (6330 bytes: 118 ln)  
To: Alec Vachon at Dole-DC  
Subject: "Retool" of ADA?

----- Message Contents -----

Text item 1: Text Item

> MAJORITY LEADER DOLE QUOTED AS CALLING FOR "RETOOL" OF ADA

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> =====  
> = Moderated Justice-For-All Mailing list =  
> =====  
>  
>  
> --- End of forwarded message  
>  
Joe F. Crumley



[1518] From: James Hart <0002009383@mcimail.com> at Internet 6/23/95 10:53PM (22  
29 bytes: 37 ln)  
To: Alec vachon at Dole-DC  
Subject: ADA

----- Message Contents -----

Text item 1: Text Item

-- [ From: James Hart \* EMC.Ver #2.3 ] --

Senator Dole,

I read on an internet mailing list that you are wanting to "retool" the Americans With Disabilities Act. From what I have heard and read, the only "retooling" that it may need is to clarify what a "reasonable accomodation" is. This would prevent the few extraordinary cases where a business or government has to make unreasonable accomodations in order to comply with the law.

I also read on the same mailing list that you called the ADA "an excuse for lazy people not to work." I do not believe this because I didn't hear you say it, but I'm sure it will raise a few eyebrows anyway.

At the same time that I am writting about this, I would like to ask something in relation to health care. Senator, I am a 21 year old disabled male. I am a college junior studying to be a Hospital Chaplain so that I can help other disabled people--especially children and their families. I am on \$250 worth of medication each month and in the last 8 years, 2.2 million has been spent on my medical bills by my stepfather's insurance. These bills are because I have had about 14 operations in the last 8 years. I lose this insurance when I turn 25. My greatest fear is that I will get my Master's Degree then be unable to afford to work because if I work I can't get Medicaid to help me with my medical bills if I'm working. I have a lot to offer this world and I don't want to have to rely on the Government for my income all my life.

Senator Dole, whether it be as Senate Majority Leader or as the President of the United States, please work to make sure that I and others like me don't have to sit in our homes collecting Social Security and using Medicaid. Please work to give us access to good medical insurance that pays for our preexisting conditions and all our medications. Please do this so that the world can benefit from us and so that we can make a life for ourselves.

Sincerely,  
James Hart  
Rt. 2 Lot 64 Camelot  
Dahlonge, GA 30533



[1526] From: rhiannon@indy.net at Internet 6/25/95 12:08PM (4698 bytes: 79 ln)  
To: Alec Vachon at Dole-DC  
Receipt Requested  
Subject: Re: Dole calls for "Retool" of ADA  
----- Message Contents -----

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> 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  
Rhiannon Raintree/ sitting 'neath the willows by a clear  
pond, listening.  
rhiannon@indy.net



[1585] From: Alec Vachon at DOLE-DC 6/22/95 10:58AM (5373 bytes:  
102 ln)  
To: ada-law@vm1.nodak.edu at Internet  
Receipt Requested  
bcc: Alec Vachon (avachon)  
Subject: WHAT SENATOR DOLE REALLY SAID

----- 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 to get the real facts.

What Senator Dole said on Saturday in Miami 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.

Senator Dole sent the following letter on Monday to Justin Dart 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



1/9/94 (Monday)

A14

THE WALL STREET JOURNAL

## REVIEW & OUTLOOK

### Slaying the Mandate Monster

It's entirely appropriate that S.1—the very first bill the Senate takes up this year—should be unfunded-mandates relief. No other issue so aptly symbolizes how out of touch the Imperial Government in Washington has become, and why the voters turned to the GOP in the last election. But precisely because this issue is so important, Congressional Republicans have to make sure they don't blow their chance to pass substantive, not just symbolic, reform.

Congress's mandate madness is so pervasive that half-measures won't suffice. Between 1983 and 1990 alone, the Congressional Budget Office estimates, new federal regulations cost states and localities up to \$12.7 billion. The list of mandates imposed during the 1980s is staggering (see chart).

And the trend hasn't slowed in the '90s. The "motor voter" law, which took effect January 1, has imposed

where in the House because of opposition from mandate-loving Democratic leaders. A weaker bill was drafted in the Senate, co-sponsored by Dirk Kempthorne (R., Idaho) and John Glenn (D., Ohio); all it would have done was force Congress to come up with some idea of how mandates would be funded but not actually appropriate the funds. That bill died, too.

Now, with new GOP majorities in both houses pledged to mandate reform as part of the Contract With America, Senator Kempthorne and Representative Rob Portman (R., Ohio) have cooked up a tougher bill. Their legislation not only would force appropriators to fund each mandate, but includes an enforcement provision—a "backstop"—if they don't. Under this backstop, if the money to pay for a mandate isn't appropriated, then the law never takes effect.

This bill, scheduled to come to the Senate floor on Wednesday, still isn't tough enough for our liking in some areas. For example, it excludes costly "civil rights" legislation, like the ADA, from its reach. And it doesn't do enough to scythe away mandates like Medicaid already on the books—it would only create a commission to look at the problem.

Nevertheless, passage of this bill would be a major victory against the encroaching forces of federal overreach—if the "backstop" provision is kept in. "Without an effective enforcement mechanism," warns Governor-elect Tom Ridge of Pennsylvania, "it's a Pyrrhic victory—symbolic, not substantive."

Senator Kempthorne is fighting to include the "backstop" as part of the Senate bill, but he's finding his colleagues a tougher sell than their House counterparts. Many Democrats (and some wet Republicans) prefer the old, toothless legislation. That view is echoed by the Administration, which wants to be seen as doing something on this front (e.g., President Clinton issued an executive order against mandates) but remains mandate-happy.

Still, there is hope for real reform. The most encouraging news we've heard is that the Big Seven—the Democrat-dominated groups representing governors, state legislatures, mayors and other levels of local government—are going along with the "backstop." In the past these groups have agitated against mandates but have been quick to jump at weak compromises. Now that they've seen which way the wind is blowing in Congress, the Big Seven apparently realize that a far more sweeping bill than anyone had ever imagined possible can be passed.

Republicans who have gotten into the habit of easy compromises ought to see the wisdom of the more radical course, too. The voters didn't send them to Washington to pass legislation. They sent them to get things done. Passing real mandate relief would be a good first step.

By PEGGY NOONAN

WASHINGTON—Now and then history turns electric. Last week it was wonderful to see the current light up this town. For an old Reagan hand it was a series of images of the guy doing heavy business outside the Capitol selling T-shirts that said "Speaker Gingrich. Deal With It." Of the woman at the Georgia Friends of New party who watched Lee Greenwood, who began every Reagan rally of the '80s with "Proud to be an American," take the stage and sing it again—and turned to a friend to say, "I'm starting to cry and I hate that song." The C-SPAN call-ins sounded like Radio Free Europe during the Velvet Revolution. "I feel like the light is shining," and "This is like FDR when I was a child."

It was not without symbolic meaning that when Newt Gingrich and his family and friends arrived at Dulles from Atlanta Tuesday afternoon they got there 25 minutes early, assisted by a tail wind of 125 knots. The trip was so full of movement and talk that the stewards couldn't make it to the back of the plane with lunch, and Marianne Gingrich in seat 28E gratefully ate a photographer's roll as the speaker-to-be gave an interview in the aisle. Two rows back, friend-of-Newt Barbara Atwood, who'd brought a friend's computerized King James Bible and wasn't used to it yet, handed it to a seatmate and said, "Punch up Proverbs 2:10 honey, that's this week's lesson."

#### Hard Shoes to Sneakers

When the plane landed, Mr. Gingrich got in a van with his wife, an aide, a member of the Capitol police, a photographer and a friend. He turned to the aide and said, "What's next? Where do we go in the Capitol?" He was told he had time to go to his office, and that he was to enter at the Document door. The talk turned Newtonian—to the changing nature of travel and work to the revolution in American dress, from hard shoes to sneakers—and then Mr. Gingrich turned to the back seat.

"I just got it," he said. "The Document door. That's the door the speaker uses."

He smiled and shook his head. "I just got it," he said, and there was silence, and he looked at his wife and smiled. "I just got it."

The day Rep. Gingrich was elected

#### Mandate Mania

Major new statutory enactments, 1981-'90

Age Discrimination in Employment Act Amendments of 1986  
Americans With Disabilities Act of 1990  
Asbestos Hazard Emergency Response Act of 1986  
Cash Management Improvement Act of 1990  
Child Abuse Amendments of 1986  
Civil Rights Restoration Act of 1987  
Clean Air Act Amendments of 1990  
Commercial Motor Vehicle Safety Act of 1986  
Consolidated Omnibus Budget Reconciliation Act of 1985  
Drug-Free Workplace Act of 1988  
Education of the Handicapped Act Amendments of 1986  
Education of the Handicapped Act Amendments of 1990  
Emergency Planning and Community Right-to-Know Act of 1986  
Fair Housing Act Amendments of 1988  
Hazardous and Solid Waste Amendments of 1984  
Handicapped Children's Protection Act of 1986  
Highway Safety Amendments of 1984  
Lead Contamination Control Act of 1988  
Ocean Dumping Ban Act (1988)  
Older Workers Benefit Protection Act of 1990  
Safe Drinking Water Act Amendments of 1986  
Social Security Amendments of 1983  
Social Security: Fiscal 1991 Budget Reconciliation Act  
Surface Transportation Assistance Act of 1982  
Voting Accessibility for the Elderly and Handicapped Act (1984)  
Voting Rights Act Amendments of 1982  
Water Quality Act of 1987

Source: Intergovernment Perspective, Fall '92

such heavy costs that 13 states are refusing to implement it—and at least one, California, is suing the federal government, alleging that this mandate violates the 10th Amendment.

What angers California Governor Pete Wilson and other mandate critics is that, while regulations often have laudable goals (such as registering voters or cleaning up the air), their cumulative impact is to attach a heavy millstone around the necks of local governments. Environmental activities alone, the EPA estimates, will swallow 30% of state and local government revenues by the year 2000.

The way out of this mess is tough "no money, no mandate" legislation: Tell localities that if regulations aren't paid for, they don't have to be obeyed. A bill along these lines was introduced last year by Representative Gary Condit (D., California), but didn't get any-

## Regulatory Precedent

So far, Congress and the regulators

The flaw in Intel's Pentium chip underscores an already pervasive business problem: bad data. Faulty information generates poor decisions, which in turn can cost a company its market. Most often, however, hardware isn't to blame.

Consider how much information we gobble up without double-checking its origin or validity. Once inside a company, bad data (and the resulting faulty analysis) can corrupt the decision-making process. They can go undetected by computer networks with even the strictest of security procedures. These systems assume that all the data that enter the system are "good data," and will trigger an alarm only if this information is in some way changed.

In one incident, a pharmaceutical client of my company needed to determine the exact date for a competitor's plan to launch an over-the-counter version of a prescription drug. If the client had relied on popular press accounts, Wall Street research and its own nervous sales force, it would have prematurely spent all its counter-offensive advertising budget months before the actual launch. Instead we successfully relied on the competitor's import-export data showing movements of



# The Right's Target

## Conservatives Seek to Limit or Overturn the ADA

By Mark Thompson  
Daily Journal Staff Writer

For an incoming congressional majority that has pledged to liberate state and local governments from unfunded federal mandates, the Americans With Disabilities Act is a juicy target.

Title II of the act forces state and local governments to spend billions of dollars without offering a penny of federal assistance to help them comply. Cities alone will be forced by the federal law to spend more than \$2.2 billion between fiscal years 1994 and 1998 on projects that many consider "silly" — such as curb cuts on streets with no sidewalks, said Mike Brown, a spokesman for the U.S. Conference of Mayors.

For now, however, the disabilities law may dodge the unfunded mandates bullet. While Republican leaders have vowed to pass a bill within 100 days rescinding federal impositions on local treasuries, the mayors' group, along with the Nation-

al Association of Counties and other local government lobbies, have requested a reprieve for the disabilities law.

GOP views stir concern, Page 12.

"We asked that the ADA specifically not be included in the unfunded mandates legislation," said Brown.

While some mayors are frustrated by the costs, "Everybody agrees on the need to implement the ADA and has for a long time," said Brown.

To be sure, supporters of the ADA aren't exactly breathing easy these days. "There's a real fear in Washington, D.C., that the ADA is in jeopardy," said a spokesman from the office of Sen. Thomas Harkin, D-Iowa, the author of the disabilities act. "In newspapers and other published reports, the new Republican leaders of the House always mention the ADA as a target."

Indeed, billed by fans and foes as the

most far-reaching civil rights legislation in a quarter-century when it was enacted five years ago, the ADA has at least two other big strikes against it, from the point of view of the most vocal wing of the new Republican congressional majority.

Title I of the act, which prohibits employment discrimination based on disability, appears to have given undue leverage — and a back-door route to attorney's fees and expert-witness costs — to wrongful-discharge lawyers. As a result, drug addicts have won six-figure settlements from their former employers, say analysts of the ADA who are targeting it for extinction.

Title III requires business establishments accessible to the public to spend money and jump through bureaucratic hoops to fulfill the vague commandment to remove "physical, organizational and attitudinal barriers to the disabled."

Though it passed Congress in 1990

See Page 12 — CONSERVATIVES

Los Angeles Daily Journal

Tuesday, December 6, 1994



DAVID RAIZMAN — "We're naturally quite concerned by a lot of the rhetoric we've heard since the Nov. 8 election," says

the executive director of the Western Law Center for Disability Rights.

MAT KAVI / For the Daily Journal



# Changes in the ADA

Continued from Page 1

with widespread bipartisan support and was signed into law by then-President George Bush, a new antagonistic attitude among Republicans surfaced on Nov. 13, in an appearance by the presumptive House speaker, Newt Gingrich, R-Ga., on "This Week With David Brinkley." Gingrich announced to the nation that the "ADA will be changed substantially." Communities should have the opportunity to "apply local common sense without a Washington bureaucracy," he said.

Members of the disabilities bar note that Incoming Senate Majority Leader Robert Dole, R-Kan., who lost the use of one arm because of a war injury and was a sponsor of the ADA in 1990, could fend off some of the attacks. But they aren't optimistic.

"I don't like to be too alarmist, but I think we are in a new political era," said Brad Seligman, one of the nation's leading employment discrimination lawyers. "A lot of the important gains in the 1980s are at tremendous risk."

"We're naturally quite concerned by a lot of the rhetoric we've heard since the Nov. 8 election," added David Raizman, executive director of the Western Law Center for Disability Rights, in Los Angeles. "Action to eliminate civil rights will not be taken. But what we are concerned about is the possibility that Congress will find ways to limit the act" in ways that would accomplish the same thing, Raizman said.

Some groups that will have the ear of the congressional majority are aiming to do far more than fine-tune the act.

"I've got it on my hit list of 'dirty dozen' in terms of regulatory rollback next year," said Edward Hudgins, director of regulatory studies at the libertarian Cato Institute and a former aide to incoming House majority leader Rep. Richard Armey, R-Texas.

"I would be for going after the whole thing, for ditching it. But at the very least, you have to redefine 'disability,'" to stop the abusive lawsuits that have been encouraged by the ADA, Hudgins asserted. He cited, among other "outrageous" lawsuits, the case of a Connecticut school board member who was fired for being caught driving drunk in women's clothing and responded by filing an ADA bias suit against school officials claiming he was persecuted because of his disability; alcoholism. According to Hudgins, the school board member collected more than \$200,000.

recognize that the act is an unfunded mandate on the private sector, and should offer a tax credit for all expenditures incurred by businesses in complying with the law.

Nancy Fulco, a staff attorney for the U.S. Chamber of Commerce, said that just as critics predicted the law is proving to be confusing and costly to business. "It's the smaller companies that are hurting," she said. "There is an enormous cost in complying, even in finding out what the requirements are and who to talk to. It is far, far more than the direct costs that business is concerned about."

Fulco cited two stories that had reached her in the past week as typical of the complaints about the ADA she gets from chamber members. A person with two employees was putting on a conference and was forced to hire a sign language interpreter, which would cost him more than his dollar intake for the lecture, she said. And the owner of a 19th century building complained that he would have to destroy the integrity of the historic structure to remove barriers to the disabled.

Yielding to complaints from business groups, President Clinton last October signed an executive order calling for a review of the law and its implementing regulations coupled with an effort to make it easier to understand and cheaper to heed.

Sen. Dole introduced legislation that would have launched a more formal and extensive review of the ADA and its impact on business. Members of the disability rights bar say Dole's legislation, which did not advance last year, is likely to be revived.

Arlene Mayerson, directing attorney of the Berkeley-based Disability Rights Education and Defense Fund, said that in their "knee-jerk reaction" to the ADA, many of the Republicans now taking the reins of power are unaware of the intensive negotiations that enabled the act to win broad support five years ago.

"People in Congress now weren't there for the debates. They don't know that alternatives [to provisions that are part of the law] absolutely were considered. No one was ever able to come up with anything better," said Mayerson.

For example, congressional negotiators invested a great deal of time debating how best to define disability, ultimately settling on a functional description rather than an enumeration of dis-

213/736-1031



accomplish the purpose of the act in any other way," said Mayerson. "It is possible that within the net are things that people aren't comfortable with. But there's no way to make the net smaller."

Raizman added, "There are naturally going to be some results that some people out there will consider outrageous." But he added that no legislation can eliminate frivolous suits. Under the ADA, many more abusive claims have been rejected than have succeeded. "Reasonableness is written into the ADA," Raizman said.

"The ADA is a Republican concept," added Mayerson. It is designed to get people off of disability and back to work. Provisions such as one that says business establishments don't have to remove barriers to the disabled unless doing so is "readily achievable" were inserted to spare businesses, she said.

Many of the ADA horror stories cited by the critics are based on false assumptions about what the law requires, said Mayerson.

"Some of the trade associations did their members a real disservice," she explained. "They think they have to remove all existing barriers because of all of the bad press about the ADA. But they don't have to do that."

ADA supporters aren't opposed to a review of the law aimed at making it cheaper to implement, said Raizman. But the sort of formal review that Dole proposed last year is "obviously a subtle prelude to cutbacks in private sector involvement," said Raizman. "If we're serious about civil rights, it does involve some expenditure. But the private sector is finding out the cost of implementing the ADA is less than they thought," said Raizman.

That point is supported by a report just released by the Annenberg Washington Program on how ADA compliance has affected Sears, Roebuck and Co. Written by University of Iowa law professor Peter David Blanck, the report concludes that "the average cost of most ADA accommodations is \$36 — less than dinner and a movie for two."

That doesn't mean the act is perfect and beyond need of repair, said Blanck, who is a member of a presidential commission on employing the disabled. Most businesses are still not in full compliance as the five-year anniversary of its enactment approaches, he said, "so something has to be done" to make it easier for businesses to comply.

Blanck said that in his study he found some evidence that the ADA is being used inappropriately by employment

lawyers as leverage against companies in workers' compensation and wrongful discharge-type actions rather than on behalf of the truly disabled. The attraction of the act is that it provides for attorneys' fees and experts' costs, a major bonus in a medical injury case in which costly medical experts are a necessity, he said.

The single largest category, representing 30 percent of all the ADA discrimination cases that have been filed with the Equal Employment Opportunity Commission, involve back and spine impairments, Blanck said. About a third of all cases were filed after the employee was discharged, outnumbering cases in which disabled employees are seeking accommodations to enable them to stay on the job.

**M**ost have been cases that look like your typical workers' compensation case dressed up in the sheep's clothing of an ADA claim," said Blanck. "What that tells me is this is not the population whose needs the law was designed to meet."

Blanck said he hopes the incoming Congress will improve the ADA without gutting it. "I predict that we will find a middle ground, recognizing the rights of the disabled, but making the law a little more understandable, efficient and palatable to business," he said.

Civil rights lawyers also are hoping for the best. Jon Davidson, senior staff counsel with the American Civil Liberties Union of Southern California, noted that Republicans have claimed that voters delivered a number of different mandates. "But I didn't hear the ADA mentioned in any campaigns. So it's hard to believe that the election represents a mandate to change the ADA," he said.

"The reality is that the ADA was a bipartisan piece of legislation that the Bush administration was especially proud of and helped pass," said Raizman.

Though some Republicans have demonized the act and called for its outright repeal, Blanck noted that the estimated 49 million disabled Americans represent a powerful constituency that could ameliorate this tendency. Republicans, he said, "are not going to want to rattle a major constituency at the start of their drive" as the new majority in Congress.

Daily Journal Staff Writer Nina Schuyler in San Francisco contributed to this article.

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