

FOIA MARKER

**This is not a textual record. This is used as an
administrative marker by the William J. Clinton
Presidential Library Staff.**

Collection/Record Group: Clinton Presidential Records

Subgroup/Office of Origin: Domestic Policy Council

Series/Staff Member: Diana Fortuna

Subseries:

OA/ID Number: 12029

FolderID:

Folder Title:

ADA [Americans with Disabilities Act] Meeting

Stack:

S

Row:

97

Section:

3

Shelf:

1

Position:

2

U.S. Department of Justice

Public Access Section

FAX



Date: 5/12/94

To: Stan Herr

Organization: White House - Policy

Phone #: _____

Fax #: 456-7028

From: John Wodatch

Organization: Public Access Section

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

Fax #: (202) 307-1198

Notes: Our most recent status report
on ADA Enforcement.

of pages 17
(including cover sheet)

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



April 4, 1994

Enforcing the ADA

A Status Report from the Department of Justice

INSIDE...

ADA Litigation.....	2-5
Formal Settlement Agreements	5-8
Other Settlements	8-12
Certification.....	13
Technical Assistance	13-14
Other Sources of Information	15
How to File a Complaint	16

ENFORCEMENT/LITIGATION/ONGOING LAWSUITS

The Americans with Disabilities Act (ADA) is a comprehensive civil rights law for people with disabilities. The Department of Justice enforces the ADA's requirements in three areas --

Title I: Employment practices by units of State and local government

Title II: Programs, services, and activities of State and local government

Title III: Public accommodations and commercial facilities

I. Enforcement

Through lawsuits and both formal and informal settlement agreements, the Department has achieved greater access for individuals with disabilities in over 200 cases. Under general rules governing lawsuits brought by the Federal Government, the Department of Justice may not file a lawsuit unless it has first unsuccessfully attempted to settle the dispute through negotiations. As a result, most complaints filed with the Department will be resolved before a lawsuit becomes necessary. Many cases are settled after an on-site investigation.

A. Litigation

The Department may file lawsuits in Federal courts to enforce the ADA and may obtain court orders including compensatory damages to remedy discrimination. Under title III the Department may also obtain civil penalties of up to \$50,000 for the first violation and \$100,000 for any subsequent violation.

1. Ongoing lawsuits

The Department has initiated, or intervened in, the following pending lawsuits.

Title I

U.S. v. State of Illinois -- The Department sued the State of Illinois, the City of Aurora, and its police and fire pension funds for excluding police officers and firefighters from its pension funds on the basis of disability. Under the challenged system, police officers and firefighters are required to undergo separate physical examinations, after they are hired, to determine eligibility for retirement and disability benefits. The Department's investigation resulted from the complaint of an Aurora police officer who was ruled ineligible for pension benefits because he has diabetes.

Title III

U.S. v. Morvant, Louisiana and U.S. v. Castle Dental Center, Texas -- The Department filed lawsuits against a dentist in New Orleans and a dental center in Houston alleging that they had violated title III of the ADA by refusing to provide dental treatment to individuals who had tested positive for HIV. The Department asserts that there is no scientific or medical justification for excluding persons with HIV or AIDS from dental or orthodontic treatment solely on the basis of their HIV+ status. Both cases are in the early stages of litigation.

 ENFORCEMENT/LITIGATION/ONGOING LAWSUITS/CONSENT DECREES

In *Morvant* the court denied the defendant's motion to dismiss. The court ruled that compensatory damages may be awarded on behalf of a deceased individual who suffered discrimination because of his positive HIV status. The court also held that the defendant dentist may be sued in his individual, as well as his corporate, capacity.

U.S. v. Becker CPA Review, Inc., District of Columbia -- The Department sued Becker CPA Review for failing to take appropriate steps to communicate effectively with students who have hearing impairments. Becker, the nation's largest CPA review course, prepares over 10,000 students a year to take the national certified public accountant exam. The Department is seeking (1) a permanent change in Becker's policy so that sign language interpreters and other auxiliary aids are provided to those who need them; (2) civil penalties; and (3) damages for the original complainant, several other people with hearing impairments who have reported that they were not accommodated, and any others who may have had similar experiences. Trial is scheduled for July 5, 1994.

Ongoing Lawsuits

Pinnock v. International House of Pancakes (IHOP), California -- Upon notice by the Federal district court that the constitutionality of a Federal law was being challenged, the Department intervened in this case to defend the constitutionality of title III of the ADA. The suit had been filed by a private individual asserting that the California pancake restaurant had failed to undertake readily achievable barrier removal and to provide auxiliary aids and services. The court adopted the Department's views and upheld title III's constitutionality. The defendant has appealed the court's ruling.

Posner v. Central Synagogue, New York -- In a private lawsuit involving alleged discrimination by a nursery school, the Department intervened, upon notice by the Federal district court, to defend the constitutionality of the exemption for religious organizations under title III of the ADA. The court has not yet issued a ruling.

2. Consent decrees

Some litigation is resolved at the time that the suit is filed or afterwards by means of a negotiated consent decree. Consent decrees are monitored and enforced by the Federal court in which they are entered.

Title III

U.S. v. Allright Colorado, Inc., Colorado -- The Department entered into a consent decree resolving its lawsuit against Allright Colorado, a company that owns or operates over 100 parking lot facilities in Denver. Under the agreement, Allright will add well over 400 accessible parking spaces to its facilities and will instruct parking attendants to monitor the slots and ticket cars that are improperly parked in accessible spaces. Allright paid a \$20,000 civil penalty to the United States because of the alleged delay in moving toward compliance.

U.S. v. Venture Stores, Inc., Illinois -- The Department entered into a consent decree resolving its lawsuit against Venture Stores, Inc., a St. Louis, Missouri, firm that operates more than 90 discount department stores in eight states. Venture agreed to modify its policy of permitting only customers with drivers' licenses to pay for merchandise with a personal check, and will now permit individuals who do not drive because of a disability to pay by check if they have a non-driver state ID card. Venture also agreed to make payments to four individual complainants.

ENFORCEMENT/LITIGATION/AMICUS BRIEFS

3. Amicus briefs

The Department files briefs in selected ADA cases in which it is not a party in order to guide courts in interpreting the ADA properly.

Title II

Kinney v. Yerusolim, Pennsylvania -- In agreement with an amicus brief filed by the Department of Justice, the U.S. Court of Appeals for the Third Circuit ruled that the ADA requires cities to install curb ramps when they resurface streets. This title II lawsuit was brought against the city of Philadelphia by a group of people with mobility impairments.

Lakes Region Consumer Advisory Board v. City of Laconia, New Hampshire -- The City of Laconia denied the Lakes Region Consumer Advisory Board's application for a permit to operate a facility providing services to persons with mental illness. The Advisory Board sued, alleging that the denial violated title II of the ADA and section 504 of the Rehabilitation Act. The Department filed an amicus brief supporting the Advisory Board's position that zoning decisions are subject to review under title II of the ADA and section 504 of the Rehabilitation Act. No ruling has yet been issued.

Medical Society of New Jersey v. New Jersey State Board of Medical Examiners, New Jersey -- The Medical Society of New Jersey filed suit challenging certain questions on the State medical board's application for renewal of medical licenses. The Department filed an amicus brief arguing that broad questions pertaining to a history of psychiatric illness or a history of drug or alcohol abuse, not drawn to focus on current impairments of a physician's fitness to practice medicine, are discriminatory under title II of the ADA. In a procedural ruling, the Federal district

court agreed that a licensing process that places greater burdens on individuals because of positive responses to the challenged questions would likely violate title II.

Galloway v. Superior Court of the District of Columbia, District of Columbia -- A blind individual filed a lawsuit in Federal district court charging that the District of Columbia Superior Court's policy of categorically excluding blind persons from jury service violates title II of the ADA and section 504 of the Rehabilitation Act of 1973. The Federal district court judge agreed, and awarded the plaintiff \$30,000 in damages.

The Department of Justice argued in support of the plaintiff's view that compensatory damages are available remedies under both the ADA and section 504.

Livingston v. Guice, North Carolina -- A person who uses a wheelchair filed a lawsuit in Federal district court against the State of North Carolina and a State court judge charging that they had violated title II of the ADA by preventing her from entering a courtroom through the only accessible entrance known to her. The Department argued in an amicus brief that States may be sued for damages under title II. The court has not yet issued a ruling.

Rosenthal v. State Board of Law Examiners, New York -- A law school graduate with learning disabilities filed a lawsuit charging that the New York State Board of Law Examiners had refused to make reasonable adjustments in its procedures to give her an equal opportunity to pass the State bar exam. In settling the case the State Board agreed to let her take the exam in a separate room, take twice the usual amount of time, and have the assistance of a person to transcribe her answers onto the multiple choice answer sheet. During the litigation the Department of Justice filed an amicus brief arguing that both title II and

Amicus
Briefs

 ENFORCEMENT/LITIGATION/FORMAL SETTLEMENT AGREEMENTS

title III of the ADA require reasonable modifications in policies, practices, and procedures when necessary to avoid discrimination in testing.

Title III

Cohen v. Boston University, Massachusetts -- A person who has Tourette Syndrome filed a lawsuit against Boston University charging that it violated title III of the ADA by refusing to readmit her to its graduate school of social work because of her disability. The Department filed a brief in support of the plaintiff arguing that the court should not grant summary judgment for the University, because facts concerning the University's actions remain in dispute. The court has not yet issued a decision.

B. Formal settlement agreements

The Department has resolved a number of cases without filing a lawsuit by means of formal written settlement agreements.

Title II

Philadelphia, Pennsylvania -- The City of Philadelphia entered an agreement resolving a complaint alleging that emergency medical technicians (EMT's) of the Philadelphia Fire Department had refused to assist an individual when they learned that he had HIV. The City agreed to conduct mandatory training of the Department's 2,300 EMT's and firefighters regarding universal precautions to prevent the transmission of HIV/AIDS, as well as to provide HIV/AIDS sensitivity training. The City will also develop and publicize a written policy stating that individuals with disabilities shall be given the opportunity to benefit fully from its emergency medical services. The policy will include disciplinary measures for any individual

who fails to follow the City's guidelines. In addition, the City will provide \$10,000 in compensatory damages and a written apology to the individual denied services.

Hickman County, Kentucky -- Hickman County agreed to develop a compliance plan to provide access to the services, programs, and activities conducted in its courthouse, thus resolving a complaint alleging that a man using a wheelchair was unable to enter the circuit clerk's office to renew his driver's license because the doors were too narrow.

Van Buren County, Arkansas -- Van Buren County agreed to relocate County court activities to an accessible site upon request; develop a self-evaluation and a transition plan; adopt a grievance procedure; and place public notices of its nondiscrimination policy and responsibilities under the ADA on County bulletin boards and in local newspapers.

Harris County (Houston), Texas -- Harris County agreed to make all of the programs offered in each of its 106 courtrooms and jury assembly rooms accessible, to furnish the auxiliary aids necessary to achieve effective communication in all of the county's programs, and to provide staff training.

Formal Settlement Agreements

Scott County, Arkansas -- Scott County agreed to renovate the county courthouse in order to make it readily accessible to individuals with disabilities. Specifically, the county agreed to renovate the courthouse's entrances, restrooms, door hardware, and drinking fountains.

City of Fargo, North Dakota -- The City of Fargo agreed to resolve complaints against its sports stadium and general entertainment facility, the Fargodome. The City will adopt a formal policy

ENFORCEMENT/FORMAL SETTLEMENT AGREEMENTS

that provides for ticket prices for individuals with disabilities who need special seating to attend events in the Fargodome that are equivalent to ticket prices charged to others. The City also agreed to publicize its new policy, appoint an ADA coordinator for the Fargodome, develop an ADA grievance procedure, and conduct an evaluation of its policies and practices as required by title II.

Norwood, Ohio -- The City of Norwood agreed to develop a written plan and timetable for making the services, programs, and activities offered at the Norwood City Hall accessible for persons with mobility impairments; submit architectural plans to the Department for review if the City determines that structural changes are needed; and make the agreement available to the public.

Madison County, Florida -- The Board of Commissioners of Madison County agreed to install an elevator, widen doors, renovate toilet facilities and water fountains, and install appropriate signage to make its programs at the Madison County Courthouse accessible for persons with mobility impairments. The County also will submit an interim plan for making its programs accessible until the renovations are completed.

Pinellas County, Florida -- The Sixth Judicial District of Florida entered into an agreement requiring the courts in that district to establish a written policy on providing qualified interpreters for participants, including parties, witnesses, jurors, and spectators, who are deaf or hard of hearing; secure the services of a qualified interpreter when necessary to ensure effective communication; notify the public about the policy; and inform and instruct all appropriate district court officials to comply with the policy.

Salt Lake City, Utah -- The complaint alleged that a State district court in Salt Lake City disqualified or otherwise excluded from jury service individuals who are deaf unless they bring their own interpreters. The agreement with the Utah State Administrative Office of the Courts committed the courts in Utah to provide appropriate auxiliary aids and services, including qualified interpreters, when necessary to provide an individual with a disability an opportunity to serve as a juror. The agency will establish a written policy on jury duty and the provision of interpreting services; notify the public about the new policy; inform and

instruct all appropriate district court officials to adhere to the policy; and conduct at least four regional training seminars.

Clearwater, Florida -- The complaint alleged that the police department had failed to provide an interpreter in the arrest of an individual who is deaf. The Clearwater police department agreed to establish and publicize a written policy for providing interpreters whenever necessary for effective communication.

Paulding County, Ohio -- In response to a complaint that the county courtroom was inaccessible to individuals with mobility impairments, the County board of commissioners agreed to relocate court activities to an accessible site upon request, if the request is made in a reasonable period of time before the scheduled court date. The County board also agreed to publicize its new policy.

*Formal
Settlement
Agreements*

ENFORCEMENT/FORMAL SETTLEMENT AGREEMENTS

Title III

Educational Testing Service, New York, New York -- The Educational Testing Service (ETS) and the College Entrance Examination Board agreed to provide additional opportunities for students with disabilities to take the new version of the Scholastic Assessment Text (SAT-I) in the spring of 1994. Students had complained that the testing schedule set up by ETS and the College Board prevented students with disabilities from taking the SAT-I in May or June 1994 even though virtually all other students were given those opportunities. Approximately 2,600 students with disabilities took an old version of the SAT in March 1994. Under the agreement, ETS will notify them of the opportunity to cancel those scores and take the new SAT-I in June 1994.

Motorcycle Mechanics Institute, Phoenix, Arizona -- A Phoenix trade school agreed to pay \$16,000 to an individual with a vision impairment who had been denied admission to the program. The school also agreed to change its policy of requiring persons with disabilities to submit additional documentation regarding their career goals and proof of employability.

Omaha Zoological Society, Omaha, Nebraska -- The Omaha Zoological Society, a nonprofit corporation that operates and manages the Henry Doorly Zoo, Lied Jungle indoor rainforest, and its Treetops Restaurant, agreed to remove architectural barriers and to provide auxiliary aids and services. Under the agreement the Society will install a wheelchair lift in the Treetops Restaurant; continue to make electric scooters available to persons with mobility impairments to provide access to the Jungle floor path; remove barriers on the Jungle's path; and make modifications to restrooms. In addition, the society will provide a

variety of auxiliary aids and services, including audiotape recordings of the Lied Jungle Trial Guide and information about the rainforest contained on signs located throughout the jungle. Staff will be available to serve as guides to visitors with visual impairments upon request.

Empire State Building, New York, New York -- The owners and operators of the Empire State Building agreed to take wide-ranging measures to ensure access to public areas of the building. The agreement mandates changes to the lobby, entrance, observation decks, restrooms and telephones, but does not cover any privately leased office space in the building. The complaint alleged that the Empire State Building was operating in violation of the ADA because its owners and operators failed to remove architectural barriers where such removal was readily achievable.

*Formal
Settlement
Agreements*

Emerald Lanes, Greenwood, South Carolina -- The owners of Emerald Lanes, a bowling center, agreed to construct a ramp and a new door at the front entrance; build a new, accessible unisex restroom and vestibule leading to it; and add accessible parking. The agreement resolved a complaint from an individual who uses a wheelchair for mobility who could not watch his children participate in a bowling league and banquet because the facility was inaccessible.

Marquee Video, Lacey, Washington -- Marquee Video of Lacey, Washington, agreed to modify its policy of permitting only customers with drivers' licenses to rent videotapes and videotape players. It will now permit people who do not drive because of a disability to rent videotapes and tape players if they have a non-driver State ID card.

ENFORCEMENT/FORMAL SETTLEMENT AGREEMENTS/OTHER SETTLEMENTS

Sardi's Restaurant, New York, New York --
Sardi's Restaurant in New York City agreed to resolve a complaint that the restaurant's restrooms were inaccessible for persons who use wheelchairs or other mobility devices. Sardi's will install an accessible unisex restroom and signage indicating the location of the restroom.

Quality Hotel Downtown, Washington, D.C. --
Staff of the Quality Hotel Downtown in Washington, D.C., had not permitted a guest to use a motorized scooter as a mobility device to get to his room. The hotel agreed to pay the complainant \$10,000 in damages and to train all employees on the requirements of the ADA.

*Formal
Settlement
Agreements*

Inter-Continental Hotel, New York, New York --
The Department entered a wide-ranging formal settlement agreement with the Inter-Continental Hotel in midtown New York, a member of a chain of prestigious hotels in major cities. The hotel will make numerous changes to its 691-room facility and procedures over the next five years, including removing physical barriers in public areas such as the front entrance, lobby, and ballroom, as well as in 21 guest rooms; providing television decoders, telephone handset amplifiers, visual smoke alarms, and visual door knock and telephone indicators in 35 guest rooms; making elevator modifications to provide access for persons with vision impairments; and modifying reservation and room assignment policies to ensure that accessible rooms are made available to those who request them.

Municipal Credit Union, New York, New York --
A branch office of the Municipal Credit Union in New York City was inaccessible to people with mobility impairments. The Credit Union agreed

to install a ramp at the entrance, to notify its customers of the ramp, to post appropriate signs, and to instruct the staff to provide assistance when requested by an individual with a disability.

C. Other settlements

The Department resolves numerous cases without litigation or a formal settlement agreement. In some instances, the public accommodation or commercial facility promptly agrees to take the necessary actions to achieve compliance. In others, extensive negotiations are required. Following are some examples of what has been accomplished through informal settlements.

Title II

Access to facilities

- A Missouri county agreed to install an elevator and make other structural modifications to make its courthouse accessible. In the interim, it will provide alternative means for providing services to individuals with disabilities.
- A Tennessee city agreed to move all city meetings from the inaccessible second floor of the town hall to the city's accessible library. It also built ramps at two entrances to the town hall and remodeled restrooms in the town hall and library.
- Various cities and towns in the East and Midwest agreed to install elevators in their city halls/courthouses and to undertake other structural actions, such as adding ramps and remodeling restrooms and entrances, or to make these buildings accessible by moving their programs (e.g., town meetings and services) to alternative accessible locations.

 ENFORCEMENT/OTHER SETTLEMENTS

- A Washington county installed an intercom on the first floor of its courthouse annex so that persons can contact offices located on the second floor when they need to have the services provided on the first floor.
- A New England town agreed to build a roof over the ramp leading to its 150-year-old town hall to ensure that the ramp does not become blocked by snow.
- A small town in Oklahoma agreed to formulate and enforce a written policy prohibiting the misuse of accessible parking spaces at its town hall by nondisabled town officials.
- In Iowa, a board of elections agreed to move a polling place to an accessible location.

*Other
Settlements*

Policies and procedures

- A Texas police department agreed to change its policies and procedures on public contact after an individual with severe physical disabilities was treated in a demeaning manner at the scene of an automobile accident. The police officer involved received a reprimand and was required to attend sensitivity training.
- A State board of law examiners agreed to allow an individual extra time (time and one-half over two days) to take the State bar examination as an accommodation for his learning disability.
- A west coast State board of behavioral science examiners agreed to provide extra time (time and one-half) for an individual with a learning disability taking the oral examination for licensed clinical social worker.
- An Arizona police department agreed to allow an individual with a mobility impairment to use his motorscooter on roads and sidewalks within city limits anywhere that conventional wheelchairs are allowed.
- A State department of corrections agreed to relocate an inmate with a disability to a facility 400 miles closer to his mother's home so that his mother could visit him and monitor his medical condition.
- Two midwest State prisons agreed to modify security and visitation procedures to allow wives with disabilities to visit their inmate husbands.
- A county in Washington State agreed to include individuals with disabilities in developing its self-evaluation and transition plans.

Effective communication

- A western State department of corrections agreed to provide a sign language interpreter for a deaf inmate's parole hearing.
- A Michigan State district court agreed to provide an assistive listening device for an upcoming court date for an individual who is hard of hearing.
- A city in Texas agreed to provide additional microphones during city council meetings to ensure more effective communication with persons who have hearing impairments.
- A committee of bar examiners of a west coast State agreed to allow a severely visually impaired individual to use a personal computer with a high resolution monitor to take the bar exam.

ENFORCEMENT/OTHER SETTLEMENTS

- A Pennsylvania county court agreed to provide accommodations for an individual with a learning disability, including daily transcripts and extra time to ask questions, during court proceedings.
- A Louisiana fast food restaurant, a Texas grocery store, a health care facility, a shopping mall, an Oregon shopping center, and a retirement community have all agreed to provide accessible parking in their parking lots. The grocery store and shopping center also agreed to install the curb ramps that a person who uses a wheelchair needs to get from the parking lot to the front door.

Employment

- A Tennessee county agreed to separate its medical and personnel records, as required by the ADA.
- A city in Illinois agreed to reinstate an individual with epilepsy to his position as custodian.
- Two other fast food restaurants agreed to relocate their accessible parking spaces to make them closer to the front door.

Title III

Other Settlements

Access to facilities

- A California convenience store of a well-known franchise agreed to make three of its checkout aisles, including one express lane, accessible for people who use mobility devices.

- A Utah bank, an Illinois bowling center, an office building, and a Maryland cable television company have all agreed to install ramps to make their entrances accessible for people who use mobility devices. The bowling center, office building, and cable TV company also agreed to provide accessible parking in their parking lots.
- A credit union agreed to lower an ATM machine to make it accessible for persons who use wheelchairs.
- An Illinois bank agreed to install automatic doors at its front entrance to make it easier for people with visual, manual, and mobility impairments to gain access.
- A health club agreed to install a lift to enable a wheelchair user to participate in an arthritis rehabilitation program in the club's swimming pool.
- A national retail chain agreed to provide accessible parking at its stores nationwide, and a major rental car company agreed to provide accessible parking at a major metropolitan airport and to institute valet parking service when needed by customers with disabilities.
- A 12-theater complex in Colorado agreed to provide additional seating throughout its theaters for people who use wheelchairs.
- A California department store agreed to make its restrooms and fitting rooms accessible for people with manual or mobility impairments, to lower the height of its public telephones and drinking fountains to make them accessible for people who use wheelchairs, and to upgrade its elevators and install signage to make the store accessible for people who have vision impairments.

 ENFORCEMENT/OTHER SETTLEMENTS

- A motel in Louisiana agreed to provide accessible parking, to make its front desk and lobby restrooms accessible, and to make six guest rooms accessible for guests with mobility impairments, including converting to roll-in showers in two of the rooms.
- A Louisiana steamboat company agreed to improve accessibility for passengers with mobility impairments on two of its boats. It eliminated access barriers in its dining and entertainment areas and made its restrooms accessible.
- Organizers of the Mississippi Delta Blues Festival, which draws some 10,000 to 20,000 spectators each year, took a number of steps to make its parking, seating, restrooms, and festival grounds accessible for people with disabilities when the 1993 festival was held in Greenville, Mississippi.
- A baseball stadium agreed to make its ticket counters, seating, restrooms, and concessions accessible for people who have mobility impairments.
- A hospital agreed to change its policy of providing sign language interpreters only for patients and not for family members. It provided an interpreter for a man who is deaf so that he could attend his wife's Lamaze classes and serve as her coach during the birth of their child.
- Several movie theaters in Florida have agreed to provide assistive listening devices for patrons who have hearing impairments.
- A famous entertainer, who was performing in New York, allowed a man with a hearing impairment to move closer to the stage so that he could read the entertainer's lips during the concert and provided him with printed lyrics for all of the songs to be performed.
- An Arizona hotel agreed to purchase additional TDD's and closed-captioning decoders and to implement a better system for responding to guests with hearing impairments who request the use of this equipment during their stay in the hotel.

*Other
Settlements*

Effective communication

- A variety of public accommodations, including a practicing attorney in California, a midwife service, a psychiatric hospital in New York, a famous entertainer, an alcohol and drug counseling program in Washington, D.C., and a program to reduce domestic violence in Colorado, have agreed to provide sign language interpreters to communicate effectively with clients who are deaf or hard of hearing.

Policies and procedures

- A North Carolina mortgage company agreed to pay damages to a complainant who alleged that the company rejected his application for refinancing his mortgage loan because of his disability. The mortgage company paid to the complainant direct expenses that were sustained as a result of refinancing his mortgage elsewhere, and other damages, with a total payment of \$6,000.
- A national rental car company revised its policy relating to cash qualifications for rental car customers. Previously, customers who did not have credit cards could only rent a car with cash if they had a verifiable em-

ENFORCEMENT/OTHER SETTLEMENTS/INVESTIGATIONS

ployment history. A person with a disability who was unemployed due to the disability, and who did not have a credit card, was denied service altogether. Now customers may complete a written application that includes disability-related income as an alternative to employment information.

- A Texas movie theater that had prevented a woman from bringing a box of cookies into the theater for her diabetic child agreed to modify its policy against outside food and beverages by making an exception in the case of medical necessity.
- A bar in Illinois agreed to modify its policy of refusing to serve alcohol to customers who appear to be drunk based on the way they walk. A customer who has Parkinson's disease had been refused service because staff assumed he was drunk due to his unsteady gait associated with his disability.
- A drugstore chain agreed to modify its policy against permitting animals in its stores by making an exception in the case of service animals such as guide dogs.
- A famous restaurant in New York City that had turned away a customer who was wearing sneakers due to a mobility impairment agreed to modify its dress code by making an exception when necessary to provide service to a person with a disability.
- A Nevada hotel agreed to offer its barrier-free rooms at the same rate as its other rooms, including at those times when promotional or special rates are offered.

Other Settlements

D. Investigations

The Department is currently investigating over 900 complaints against public accommodations and commercial facilities under title III.

In addition, the Department is currently investigating nearly 800 complaints against units of State and local government under title II. Seven other Federal agencies are also investigating title II complaints and may refer cases to the Department of Justice for litigation.

The Department also has a number of investigations underway under title I against public employers. (Enforcement of title I against private employers is handled by the EEOC.)

CERTIFICATION OF STATE AND LOCAL BUILDING CODES/TECHNICAL ASSISTANCE

II. Certification of State and Local Building Codes

The ADA authorizes the Department to certify State or local laws or building codes that meet or exceed the ADA's accessibility requirements. This is a voluntary program in which States and localities can choose to participate. In a jurisdiction whose law or code has been certified, when a new public accommodation or other commercial facility is built, or an existing facility is altered or expanded, compliance with the local regulations will give the building owner and other responsible parties rebuttable evidence of compliance with the ADA if the building's accessibility is later challenged under the ADA.

On May 20, 1993, the Department of Justice issued its first response to a request for certification of a state accessibility code. The letter to the State of Washington provided a side-by-side analysis of the State's standards and the ADA standards as a means of providing technical

assistance to the State in identifying minor areas of discrepancy. It was not a formal preliminary determination of equivalency or nonequivalency with the Federal accessibility standards.

Other requests for certification have been received from the City of New York, the State of New Mexico, the State of Utah, and the State of Florida.

The Department has also responded to a request for technical assistance from the State of New Hampshire and is reviewing requests for technical assistance from the Council of American Building Officials (CABO) on behalf of the American National Standards Institute (ANSI) A117.1 committee, the Building Officials and Code Administrators International (BOCA), and the National Parking Association.

III. Technical Assistance

The ADA requires the Department of Justice to provide technical assistance to entities and individuals with rights and responsibilities under the ADA. The Department encourages voluntary compliance by providing education and technical assistance to business, industry, government, and members of the general public through a variety of means.

ADA telephone information line

The Department of Justice now provides toll-free "800" service for voice callers and TDD callers. Under its expanded hours of operations, operators may be reached from 11:00 a.m. to 5:00 p.m. (EDT), Monday through Friday (except

Thursdays, 1:00 p.m. to 5:00 p.m.). The system has been upgraded to accommodate a larger number of callers simultaneously and to provide Spanish language service. Callers may hear recorded information and order materials at any time, day or night. The information line numbers are:

Nationwide
1-800-514-0301 (voice)
1-800-514-0383 (TDD)

Washington, D.C., area
202-514-0301 (voice)
202-514-0383 (TDD)

Tested

TECHNICAL ASSISTANCE

Grants

ADA technical assistance grants are awarded primarily to target specialized information to specific audiences. To date, \$6.5 million in grant funds have been awarded for ADA technical assistance projects to 30 organizations.

Publications

Copies of the Department of Justice's regulations for titles II and III of the ADA, the ADA Questions and Answers booklet, the ADA Handbook (limited quantities available), and information about the Department's technical assistance grant program can be obtained by calling the telephone number listed above or writing to the address listed below. These materials are available in standard print, large print, Braille, audio-tape, and computer disk.

U.S. Department of Justice
Civil Rights Division
Public Access Section
Post Office Box 66738
Washington, D.C. 20035-6738

These materials are also available through the Department of Justice's ADA electronic bulletin board at 202-514-6193.

Copies of the Department of Justice's Technical Assistance Manuals for titles II and III can be obtained by subscription from the Government Printing Office. The subscription for the Title II Manual, which includes annual supplements through 1996, costs \$24. The subscription for the Title III Manual with supplements through 1996 costs \$25. Call the ADA information line to obtain an order form.

Copies of legal documents and settlement agreements mentioned in this publication can be obtained by writing to:

Freedom of Information/Privacy Act
Branch
Room 7337
Civil Rights Division
U.S. Department of Justice
Washington, D.C. 20530

OTHER SOURCES OF ADA INFORMATION

IV. Other Sources of ADA Information

The Equal Employment Opportunity Commission offers technical assistance to the public concerning title I of the ADA.

For ordering documents
1-800-669-3362 (voice)
1-800-800-3302 (TDD)

For questions
1-800-669-4000 (voice)
TDD: use relay service

The U.S. Department of Transportation offers technical assistance to the public concerning the public transportation provisions of title II and title III of the ADA.

ADA documents and general questions
202-366-1656 (voice)
202-366-2979 (TDD)

ADA legal questions
202-366-9306 (voice)
202-755-7687 (TDD)

Nat'l Easter Seal Society
"Project Action" grant
202-347-3066 (voice)
202-347-7385 (TDD)

Air Carrier Act questions
202-376-6406 (voice)

The National Institute on Disability and Rehabilitation Research (NIDRR) of the U.S. Department of Education has funded Disability and Business Technical Assistance Centers (DBTAC's) in ten regions of the country to provide technical assistance to the public concerning title I, title II, and title III of the ADA.

ADA technical assistance
(800) 949-4232 (voice & TDD)

The Federal Communications Commission offers technical assistance to the public concerning title IV.

ADA documents and general questions
202-632-7260 (voice)
TDD: use relay service

ADA legal questions
202-634-1808 (voice)
202-632-6999 (TDD)

Hearing Aid Compatibility
Act (HACA) questions
202-634-7150 (voice)
TDD: use relay service

News-fyi

Americans with Disabilities Newsletter

P.O. Box 365, Hillsdale, NY 12529 - 0365

Telephone: 518-325-5260

Thomas P. Carty, Publisher

Ms. Carol H. Rasco
The White House
1600 Pennsylvania Avenue
Washington, DC 20500

Dear Ms. Rasco:

As a person with a disability and former corporate administrator, I understand the challenges that disabilities can present to employers, employees and senior government policy makers like yourself.

The Americans with Disabilities Act -- and its evolving interpretation -- make those challenges even greater. The *Americans with Disabilities Newsletter* can help. It is a concise, monthly report on how our institutions are responding to the ADA.

A Critical Resource

For a fraction of the cost of other publications, the *Americans with Disabilities Newsletter* delivers comprehensive information on developments in disabilities legislation, enforcement and compliance. And it is available in Standard Text, Large Type, Braille and Audio Cassette formats.

In the enclosed brochure, you will find complete details on our comprehensive coverage. Here is just a sampling:

- summaries and analyses of legal and legislative developments that have an impact on every person with a disability;
- practical information that helps persons with disabilities to accomplish their career goals and meet employers' performance standards;
- specific steps that employers can take immediately to improve their ADA compliance record;
- profiles of businesses and other institutions that are adopting positive programs and policies for persons with disabilities -- and those that are not!
- and -- because of their growing numbers and the special challenges they face -- a special focus on persons with AIDS or who are HIV+.

(MORE)

An Uncommon Value

When you order a one-year subscription to the *Americans with Disabilities Newsletter* at the regular annual rate of \$150, you may order any number of additional subscriptions -- in any formats -- for just \$75 each. That is a savings of 50 percent off the regular subscription rates.

Moreover, I guarantee your right to renew all of your subscriptions at the same low rate -- regardless of the rate that new subscribers will have to pay.

Finally, if you mail your order within 30 days, you will receive at no extra charge a three-ring binder in which to store the *Americans with Disabilities Newsletter*.

How We Can Make this Offer

The *Americans with Disabilities Newsletter* is published by Positive Workforce for America, Inc., a not-for-profit enterprise that offers information and consulting services to Americans with disabilities and their employers. The tax-deductible contributions we receive from donors allow us to offer the *Americans with Disabilities Newsletter* at greatly reduced rates.

Please Order Today

The *Americans with Disabilities Newsletter* can help you take control of the cost of information on disabilities issues. Won't you take a moment to order? You can do so in any of three ways:

- 1) Call Toll Free: 800-818-3111
- 2) Fill out and mail the enclosed Subscription Reservation Certificate, or the coupon in the enclosed brochure. A postage-paid envelope is provided.
- 3) FAX your order: 518-325-5260.

Thank you. I look forward to hearing from you.

Sincerely,



Thomas P. Carly

P.S. Please remember that to take advantage of the free binder offer, you must order within 30 days.

Americans with Disabilities Newsletter
P.O. Box 365
Hillsdale, NY 12529 - 0365

BULK RATE
U.S. POSTAGE
PAID
PERMIT #36
PITTSFIELD, MA
01201



Ms. Carol H. Rasco
Assistant to the President for Domestic Policy
The White House
1600 Pennsylvania Avenue
Washington, DC 20500

CLINTON LIBRARY PHOTOCOPY

INSPECTED
USSS

Clinton Presidential Records Digital Records Marker

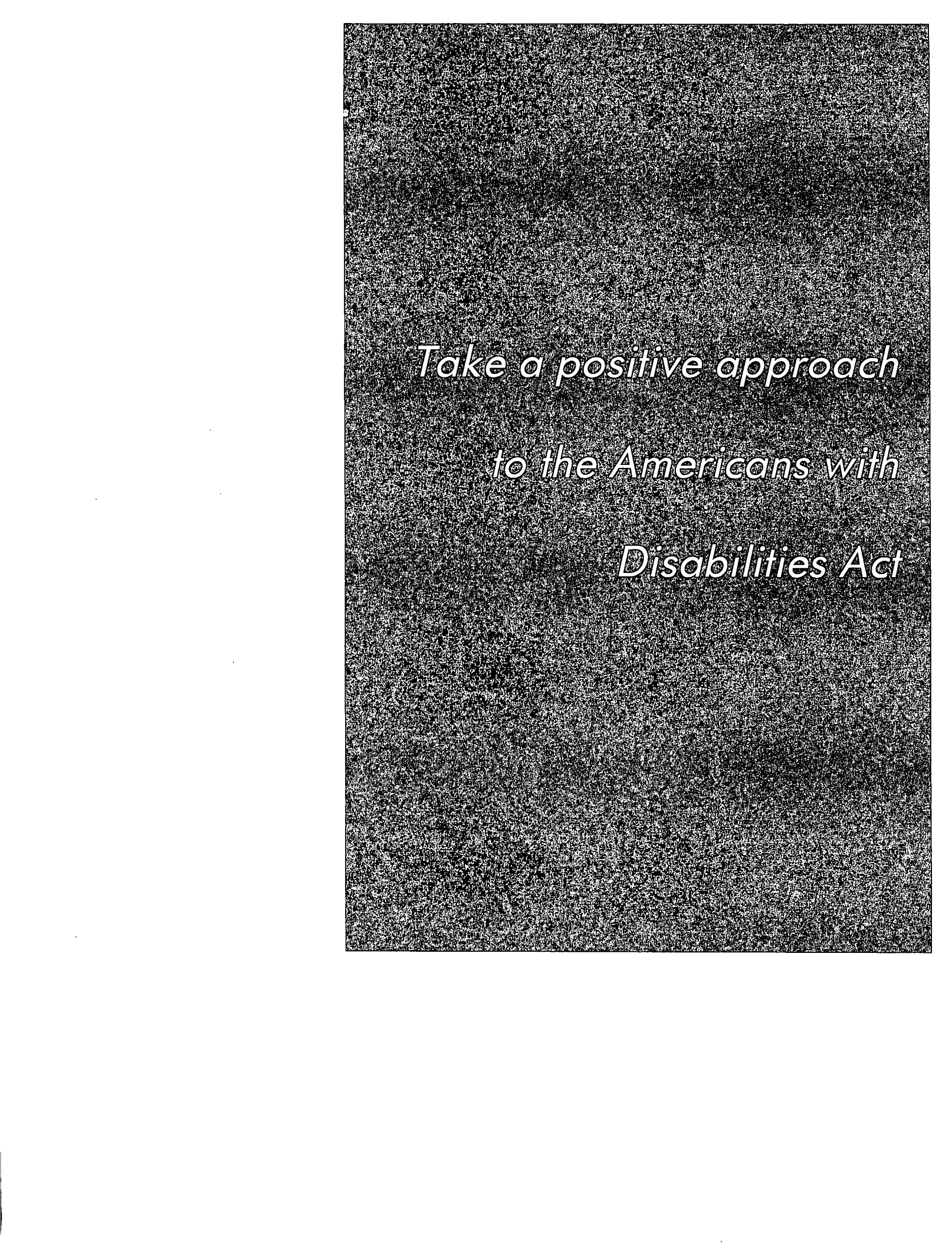
This is not a presidential record. This is used as an administrative marker by the William J. Clinton Presidential Library Staff.

This marker identifies the place of a publication.

Publications have not been scanned in their entirety for the purpose of digitization. To see the full publication please search online or visit the Clinton Presidential Library's Research Room.

Take a positive approach to the
Americans with Disabilities Act

6 pgs



*Take a positive approach
to the Americans with
Disabilities Act*

Subscription Reservation Certificate - Save 50%

Subscribe today to The Americans with Disabilities Newsletter - available in Standard Text, Large Type, Braille and Audio Cassette. Order one subscription at the regular annual rate of \$150 and receive additional subscriptions - any number, any formats - for just \$75 each. That's a 50% savings off the regular rates. To order, please fill in the form on the back of this certificate and mail in the enclosed, pre-paid envelope. If you order within 30 days we will send you a free newsletter binder!

For faster service, please call toll free: 800-818-3111.

Subscription Reservation Certificate - Save 50%

Yes! I want to subscribe to the Americans with Disabilities Newsletter. I understand that I will be billed at the annual rate of \$150 for my first subscription (any format), and \$75 for each additional subscription, regardless of number, in whatever formats I choose. That's a savings of 50% off the regular subscription rates. I also understand that if I mail my order within 30 days, I will receive a free newsletter binder.

- 1) ☒ Select formats desired
- | | | | |
|--|-------------------------------------|----------------------------------|---|
| ☐ Standard Text | ☐ Large Type | ☐ Braille | ☐ Audio Cassette |
| ☐ | ☐ | ☐ | ☐ |
- 2) ☐ Enter number of subscriptions

NAME (please print) _____

TITLE _____

COMPANY _____

ADDRESS _____

CITY _____

STATE _____

ZIP _____

☐ Payment enclosed

☐ Please bill me _____
(Enter purchase order number)

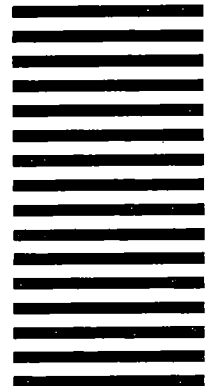
copy

CLINTON LIBRARY

Clinton Presidential Records
Domestic Policy Council



NO POSTAGE
NECESSARY
IF MAILED
IN THE
UNITED STATES



BUSINESS REPLY MAIL

FIRST-CLASS MAIL PERMIT NO. 40 HILLSDALE NY

POSTAGE WILL BE PAID BY ADDRESSEE

**ATTN: NEWSLETTER DEPARTMENT
POSITIVE WORKFORCE FOR AMERICA INC
PO BOX 365
HILLSDALE NY 12529-9900**



THE WHITE HOUSE

WASHINGTON

Civil Rights in the Clinton Administration
A Fact Sheet

The announcement of Deval Patrick, a distinguished attorney and compassionate advocate, as Assistant Attorney General for Civil Rights continues the Clinton Administration's active involvement in civil rights issues.

- * President Clinton has assembled a highly qualified team that includes the most diverse group of presidential advisers ever to sit in a president's cabinet. Five African-Americans, two Hispanics, and six women are members of the Clinton cabinet.
- * A record high 61% of the President's nominees to the federal bench have been women and minorities.
- * President Clinton broke the gridlock in Washington and signed the Motor Voter Bill, which expands voting rights for all, including the poor and the young, by creating new voter registration locations.
- * The President signed into law the Religious Freedom Restoration Act, which restores protection for religious exercise by restricting government actions that substantially interfere with religious practices.
- * President Clinton appointed highly-acclaimed civil rights leader Mary Frances Berry to be chair of the U.S. Civil Rights Commission.

President Clinton's civil rights policy extends beyond enforcing existing civil rights laws. It seeks to create real opportunity and empowerment. As the President has said, "The absence of discrimination is not the same thing as the presence of opportunity."

- * The Clinton civil rights policy emphasizes **justice, opportunity, and empowerment.**
- * The Clinton civil rights policy empowers people by providing valuable tools to help them succeed, such as:
 - ✓ Universal and Guaranteed Health Care
 - ✓ Welfare Reform
 - ✓ Small Business Assistance }
 - ✓ Expanded Earned Income Tax Credit
 - ✓ Family & Medical Leave
 - ✓ Affordable Student Loans
 - ✓ Community Development Banks
 - ✓ A Strengthened Community Reinvestment Act
 - ✓ Empowerment Zones

The Clinton Administration's civil rights policy is broad-based and enforced throughout the entire federal government. No longer does the weight of civil rights enforcement fall solely on one department's shoulders; every department develops, implements, and enforces civil rights policy. For example:

- * The Administration argued in federal court to expand the interpretation of the Voting Rights Act.
- * The Justice Department Civil Rights Division filed a record 140 cases last year to enforce fair housing laws, a 35% increase from the number of cases filed in 1992.
- * The Department of Housing & Urban Development has aggressively fought to knock down discriminatory barriers, actively intervening to integrate a once segregated public housing complex in Vidor, Texas.
- * The Treasury Department, working with the Justice Department, ordered a Mississippi bank that denied loans because of race to implement a remedial lending plan for minority customers.
- * The Justice Department obtained an agreement from a South Dakota bank that charged higher interest rates to Native Americans to compensate minority borrowers and remedy its lending practices.
- * For the first time since the Age Discrimination Act was passed in 1975, the Department of Education issued regulations needed to implement the law. Prior administrations had failed to release the necessary guidelines.
- * The Labor Department collected over \$34.5 million in back pay and other financial remedies for discrimination victims, an increase of 12% from the year before.
- * The Department of Health & Human Services helped to develop language for the Health Security Act that ensures equal access and civil rights protections in health care reform.
- * The Department of Commerce awarded 15% of its procurement business to minority-owned businesses in 1993.
- * The Attorney General added 10 new staff people and approved a toll-free hotline to respond to complaints under the Americans with Disabilities Act. The Justice Department has awarded technical assistance grants to speed compliance with the ADA and has resolved complaints to make public accommodations, courtrooms, and other government and private facilities accessible to people with disabilities.
- * The Environmental Protection Agency identified 20 environmental justice pilot projects to be undertaken across the country to redevelop contaminated sites in low-income communities and turn them into useable space, creating jobs and enhancing community development.

THE WHITE HOUSE

WASHINGTON

Aug 4th

Dear Nancy,

The President
kindly agreed to
autograph the
photo of the young
man, Jamal, as
noted in this
transcript of his
conversation with
Dr. Anderson.

Gallaudet has
also sent along two
other photos of Dr.
Anderson and his
wife Karen for
autographs as well.
They are personal
friends and campaign
supporters. Thank you.

GALLAUDET



UNIVERSITY

OFFICE OF THE PRESIDENT

(202) 651-5005

KENDALL GREEN
800 FLORIDA AVE. NE
WASHINGTON, DC 20002-3695

Thurs, Aug 4

Dear Mr Herr,

Here are the photos
for Dr Glenn Anderson.
I've enclosed a mailing
label for him.

The photo with his son,
Tamaal, is first priority,
second is the one with his
wife, Karen, and last is
one with Dr Anderson
and the President. I hope
that all three can be

Dr. Glenn B. Anderson
Rehabilitation Research and Training Ctr for
Individuals who are Deaf or Hard of Hearing
4601 West Markham Street
Little Rock, AR 72205

Bar Examiners Respond to the ADA

Spurred by suits or the law, officials grant more test time to disabled applicants

For about 7,400 stressed-out souls, the most recent California bar exam was a grueling, three-day test during the last week of July. For one, it was a grueling, 18-day-long test that didn't end till mid-August.

About the same time, a would-be lawyer in New York spent four days taking that state's two-day bar exam, but he had to sue in federal court for the right to do so.

Bar admission authorities are debating the need for such allowances under the Americans with Disabilities Act, the sweeping new federal law meant to equalize opportunities for the disabled in most aspects of public life.

The ADA is "a hot topic among bar examiners" these days, according to Armando Menocal, the immediate-past president of the National Conference of Bar Examiners.

The act "is so broadly written, you cannot easily say what is and what is not a disability," said Stephen Fedo, a Chicago lawyer and consultant to the conference.

How Much Accommodation?

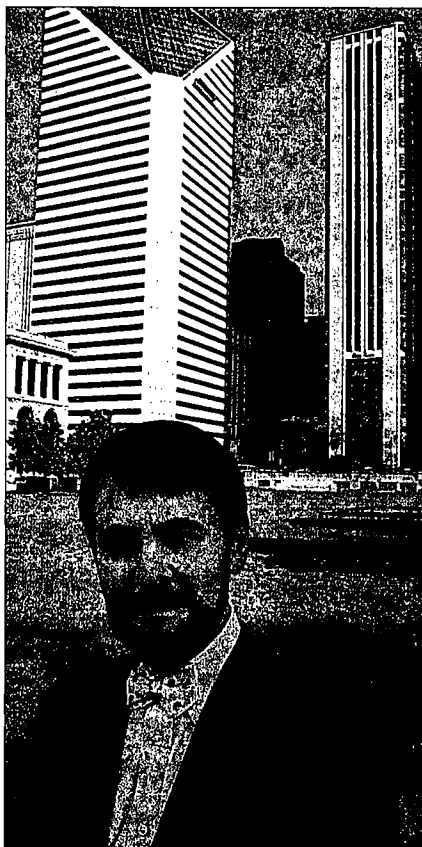
States have traditionally given some disabled people special help to take the bar, such as tests in Braille. "Extra time, for instance, is one thing that is routinely granted," Fedo said. "The controversy [now] is how much extra time."

Extra time is the issue in the New York lawsuit, *Pipia v. New York State Board of Law Examiners*, No. 92 CIV-5163, in the Southern District. A quadriplegic asked for double time to take the July exam; the board of law examiners offered him time and a half. When he sued, the board relented. Lawyers say the case might be dismissed if he passes the exam.

But the plaintiff's attorneys, from New York Lawyers for the Public Interest, also want an injunction against what they claim is a new board policy never to allow more than three days for the exam.

The policy runs contrary to the ADA's requirement of individualized accommodation, said Ellen M. Saide-man, director of disability law for the non-profit firm. "It suggests to me they weren't interested in complying with the law in good faith," she said.

The New York board had faced the issue before, when another federal suit led the examiners to give a Stanford law school graduate with



The ADA "is so broadly written, you cannot easily say what is a disability."

—Stephen Fedo

severe dyslexia four days to take the February exam. The board had at first refused her any extra time, but gave in when the litigation attracted the U.S. Department of Justice—official enforcer of the ADA—as amicus curiae. *Rosenthal v. New York State Board of Law Examiners*, No. 92 CIV-1100 (S.D.N.Y.).

New York bar examiners historically have accommodated handicapped applicants, according to the examiners' attorney, Ellen Fried, of the state attorney general's office.

The issue in the *Rosenthal* case is what constitutes a disability under the law. If difficulty reading is one, what about difficulty remembering, one bar admissions expert wondered. Can "accommodation" accommodate bringing notes or books to the exam?

California needed no threat of litigation to give a brain-damaged quadriplegic a record 18 days for its bar exam last July. Requests for extra time are approved often, said

Jerome Braun, the state bar's director of admissions.

The greatest impact of the ADA in California has been an increase in requests for accommodations because of applicants' "heightened awareness of rights," Braun said. Even so, the July exam brought in only 154 requests from the 7,400 applicants.

Despite the state's ADA-friendly test policy, California could face problems from a question officials added to their admissions application in August. It asks would-be lawyers if in the last two years they have been treated for alcohol or drug dependency or hospitalized for mental or emotional problems.

An expanded version of that question is the subject of a Connecticut lawsuit. A bar applicant there sued for the right to take the July exam despite his refusal to answer questions asking if he had at any time been diagnosed with or treated for a mental illness. *John Doe v. Connecticut Bar Examining Committee*, No. 2:92-CV-634 (PCD).

The applicant's lawyer, Steven Ecker of Jacobs, Grudberg, Belt & Dow in New Haven, said admissions officials should be able to ask "carefully tailored questions about ... present fitness to practice law" that focus on behavioral characteristics.

But Ecker said the broad, open-ended questions on the Connecticut form display the unfair stereotyping the ADA is intended to end.

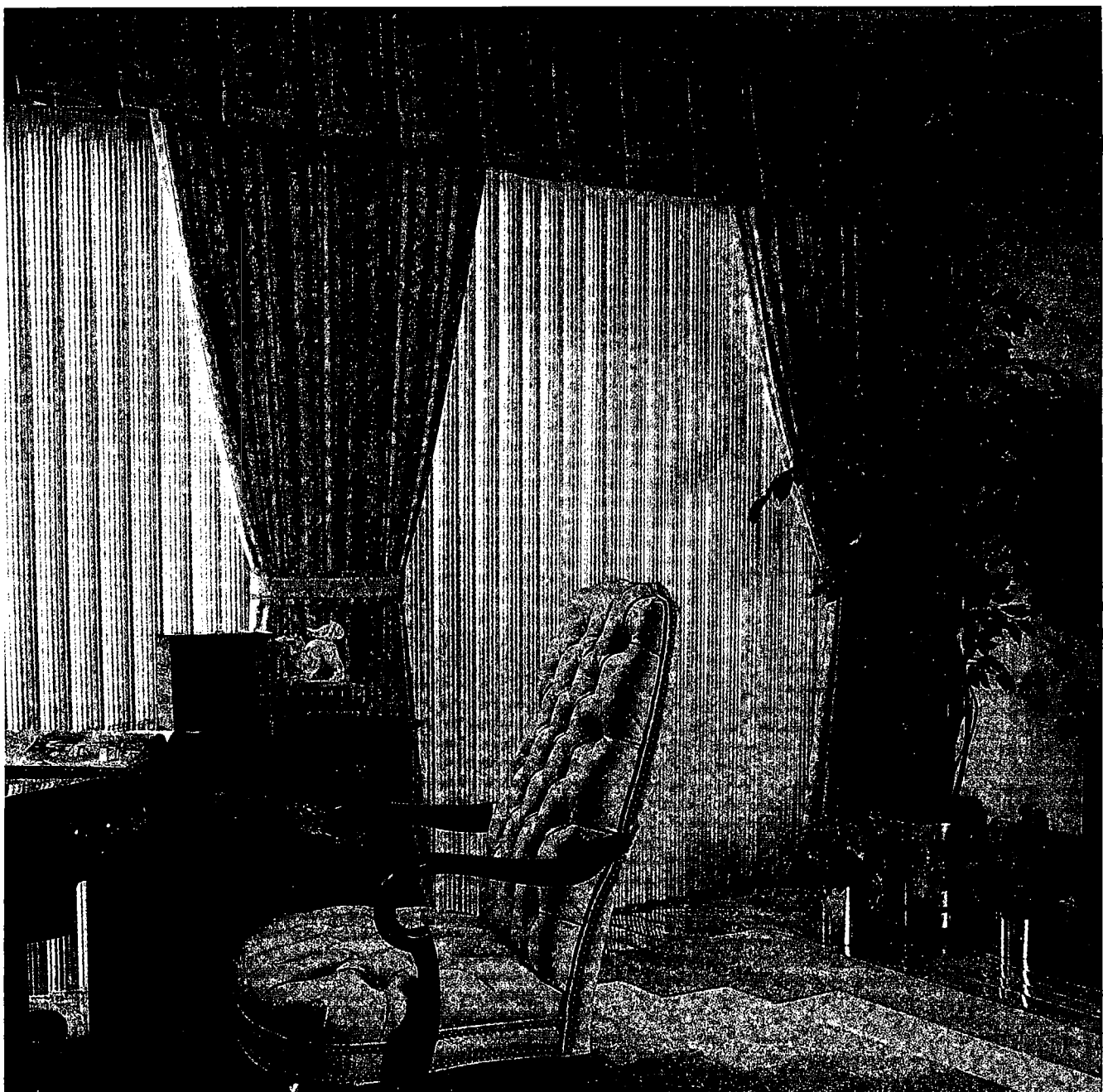
The District of Columbia Court of Appeals reached a similar conclusion in February. It now puts a five-year limit on its questions about drug or alcohol treatment and about hospitalization for mental illness. It has dropped another about mental-illness treatment or diagnosis.

The District of Columbia is the only jurisdiction to change its questions in response to the ADA, although the former questions were part of a form supplied to about half the states by the national conference.

Fedo contends the ADA permits asking questions and only prohibits denying admission based on disability stereotypes.

"Bar examiners have to address [applications] on a case-by-case basis," Fedo said. "That really is the purpose of the ADA, that each individual be evaluated on the merits of [his or her] case."

—Don J. DeBenedictis



We're Open For Business

And what we offer is more than mere window dressing. JCPenney Custom Decorating can outfit your office professionally and beautifully with a comfortable, residential-style look that makes you and your customers feel right at home. From custom draperies to top treatments, vertical blinds, or coordinating carpeting, we have a wide selection of colors and fabrics to suit the needs of your business environment. We are proud to also offer a complete line of Trevira[®] for FR polyester drapery fabrics that meet strict fire code requirements for flame resistance. So if you're open for business, give us a call for a free consultation in your home or office.

CUSTOM DECORATING
JCPenney



Call 1-800/543-5436 to locate the Studio nearest you.

© 1991 JCPenney Company, Inc.
Circle 38 on Reader Service Card

② W/H — Students / Internship
+ Clinic

① Ky Fellowship (6 months)

w/ Spring Semester
Disability Rights
 Clinical Seminar
 w/

1 Q-ship

2 Spec. Ed.

3, ADA — — Evidence / ADA /
Complaints

4 Institutional Commitments

5. Policy piece / Policy Development

← 3
4 ? 3
2 — 10 10
6

Inter-d enrollment
Policy

Seminar as prerequisite
or thesis or internship
 Clinic

State Legislation

ASD

THE WHITE HOUSE

Office of the Press Secretary

For Immediate Release

February 1, 1994

REMARKS BY THE PRESIDENT
IN ANNOUNCEMENT OF NOMINEE FOR
ASSISTANT ATTORNEY GENERAL FOR CIVIL RIGHTS

The Oval Office

3:38 P.M. EST

THE PRESIDENT: Good afternoon. For tens of millions of Americans the civil rights division of the Department of Justice has historically embodied what is best about our country. It's helped us to keep the promise of our Constitution, to provide to every American equal opportunity and equal protection under the law, regardless of race or gender or disability.

Because of our pursuit of equal treatment under the law, we've made a lot of progress in this country -- in the workplace, in the schools, in the voting booths and in the courts. But there is still much more to be done. We need a strong and aggressive civil rights division and a strong and compassionate advocate for freedom and fairness at the helm of that division.

Today I am proud to nominate Deval Patrick to be Assistant Attorney General for Civil Rights. I believe he is uniquely qualified to lead this division in this decade. He's been chosen because he has distinguished himself as a lawyer whose wise counsel, keen negotiating skills and mastery at litigation are held in the highest esteem.

He's fought successfully against discrimination and for civil rights for his entire life, both professionally and personally. He understands that the law is a tool to help real people with real problems. He's here with his family today, having come a long way from his childhood on the south side of Chicago through a distinguished academic and professional career of which any American could be proud.

The quest for civil rights gives life to our highest ideals and our deepest hopes. For his entire career Deval Patrick has played a role in that struggle and he has made a real difference. Therefore, I know he will perform in a very outstanding manner in his new role as Assistant Attorney General for Civil Rights.

Mr. Patrick. (Applause.)

Attorney General? (Laughter.) I don't know what order he's in -- (laughter.)

MR. PATRICK: Stick with me. (Laughter.)

THE PRESIDENT: That's the idea. (Laughter.)

ATTORNEY GENERAL RENO: You have just seen an example of how Mr. Patrick impressed me in the meetings that I have had with him. He has impressed me as person who cares deeply about others, who cares deeply about the law as an instrument to ensure equal justice for all.

He grew up, as the President said, on Chicago's south side. His grade school was next door to the Robert Taylor Homes, one of the poorest public housing projects in the country. When he was in the eighth grade, he learned about a program called, A Better Chance, which provided scholarships for youngsters who might otherwise be forgotten. Deval Patrick grabbed his chance.

He was accepted by the program and attended Milton Academy outside of Boston. He then won a scholarship to Harvard University. Then he won a Rockefeller Fellowship for United Nations work with poor children in the Sudan. He returned to Harvard Law School where he was President of the Legal Aid Bureau, which provided free legal services to the community's neediest residents. After graduating from Harvard, he could have had probably any job he wanted with just about any law firm in America. But instead, he chose to practice civil rights law with the NAACP Legal Defense Fund. And he developed expertise and experience as a litigator, particularly in the voting rights area.

At the Legal Defense Fund, he distinguished himself as a person. People who worked with him during that time talk about both his ability as a lawyer and his ability to relate to people and to motivate people to do their very best. His commitment to public service and civil rights has continued. During the last eight years of his private practice, he has devoted 30 percent of his time pro bono to community projects.

This is a caring, dedicated individual who will ensure the vigorous, fair, comprehensive enforcement of our civil rights laws. And I'm going to be proud to be working with him.

Mr. Patrick. (Applause.)

MR. PATRICK: Mr. President, Mr. Vice President, General Reno. I am deeply honored by the expression of confidence which this nomination represents. But more than that, I am humbled. I am humbled because I know that I am standing here on the shoulders of so many women and men who have reached out to me in so many different ways over the years; and more than that, on the shoulders of those courageous advocates of every type and kind who have had the guts to stand up in some court somewhere and give the Constitution life.

I pledge to be true to that legacy and also to the legacy of the American people in the expression of their highest and most generous sense of justice. And I thank you all very much. Thank you. (Applause.)

Q Mr. President, conservative groups are already attacking Mr. Patrick, the same groups that attacked Lani Guinier, saying that he is the "Stealth Guinier." How are you going to sell this nomination and make sure that your view of his record gets out

accurately?

THE PRESIDENT: Well, I think that this nomination may be about those groups and whether they're proceeding in good faith. That is, you know, before those groups said, well, we don't object to Lani Guinier's career as a lawyer, we just don't agree with her writings about future remedies. So now when they say "Stealth Guinier," what they mean is that both these people have distinguished legal careers in trying to enforce the civil rights laws of the country. I hope that Mr. Patrick would plead guilty to that.

And the truth is a lot of those people are going to be exposed because they never believed in the civil rights laws, they never believed in equal opportunity, they never lifted a finger to give anybody of a minority race a chance in this country. And this time, if they try that, it's going to be about them, because they won't be able to say it's about somebody's writings, about future remedies. If they attack his record it means just exactly what we've all suspected all along, they don't give a ~~riff~~ about civil rights. *rip?*

Well, those of us who care about civil rights were elected by the American people to take care of them. That's what we intended to do.

Q Mr. President, do you agree with his argument that the death penalty is racially discriminatory against blacks?

THE PRESIDENT: Do I agree? He's made that argument in court. I don't agree with that, no.

Q A 1987 Supreme Court case.

THE PRESIDENT: No.

Q Have you talked with him about --

THE PRESIDENT: But I think the most compelling evidence that was introduced to support it, as I've said many times as a supporter of capital punishment, is that the race of the victim seems to determine the outcome of the verdict. There's a lot of evidence -- the Supreme Court actually did not reject that evidence. They just said that that was not sufficient to outlaw the penalty as a constitutional matter. And I have repeatedly said I think that we -- every state prosecutor ought to examine that. If there is evidence -- every state ought to look and see, is there evidence that there's a disparity in the application of this penalty based on the race of the victim. If there is, states ought to take steps to try to do something about it.

Q Mr. President, Senator Dole says that your staff shouldn't go around calling people liars just because they disagree with them on health care. Is this exchange beginning to escalate out of hand?

THE PRESIDENT: No. I don't know what he's talking about. I'm sorry, I can't -- I don't --

Q Well, he's talking about the reply that your office put out to an article about the Clinton health plan in the New Republic last week, which goes in several places to say that they are

,blatant lies. He was addressing it specifically to Mr. Magaziner.

THE PRESIDENT: Well, I hate to use that word, but the New Republic article was way off base. And the New Republic didn't make total disclosure about the source of the article.

But I think Senator Dole was quite conciliatory at the Governors Association today, and I have certainly tried to be constructive. And I know it may make better news for you all to drive a wedge between us, but it's better for the American people if we work together and tone our rhetoric down.

Q On a foreign policy matter, sir, Gerry Adams says the time has come for the United States to weigh in on the Ireland question. You had spoken in the campaign of becoming more involved or having the United States more involved in trying to find a peaceful solution there. Will you take a more aggressive stance toward trying to promote a peace settlement in Northern Ireland?

THE PRESIDENT: Well, when I spoke about that in the campaign, we didn't have the evidence that we now have that the British and the Irish government would take the steps that they have taken. Let's be fair. The people that have to resolve this are the Irish and the British, and since that campaign, I think it's astonishing what's been done. The joint declaration is something the United States very much supports.

I did believe that by giving Mr. Adams this visa, this limited visa to come here, that we might have a constructive role in pushing the peace process, which is why I did it. And I think that was an appropriate thing to do. But I think we should also support the work being done by the Prime Ministers of both Ireland and Britain in pursuing the peace.

Q Senator Rockefeller today said that he thought you were being a little bit too conciliatory to your good friends, the governors, on health care, and he thought that maybe Mrs. Clinton could bring you back. (Laughter.)

THE PRESIDENT: Well, Senator Rockefeller made a big mistake today. He's a wonderful man, but he made a big mistake. He read a press report and assumed it was true. (Laughter.) Or fully accurate. That is, he read a report of someone else's characterization of what I said and assumed it was fully accurate. And the people who were characterizing it obviously were characterizing the conversation in the light most favorable to their position.

I don't mean that the press misreported it -- I mean the press reported it accurately. But that's what they do -- when you have private conversations with people, they often characterize it in the light most favorable to their position. I think that's what happened.

I didn't say anything differently in that meeting than I have said repeatedly, which is that we are and we should be flexible on the size of the alliances -- that's already been said by Secretary Bentsen -- and that in order to have a health care plan which passes muster in the Congress, we have to have some way of showing how much taxpayer money is at risk over a five-year period. That's required

of every bill passed by Congress.

That's all I said, and I think the interpretation of it -- while I don't dispute whatever they said, I think that the folks who communicated that to the press were doing it in the light most favorable to their own position. I understand that, it's fair game. But I wouldn't -- I would caution Senator Rockefeller to not think that I'd left his position. He's -- in many ways he's the heart and soul of this fight for health care. And if we change positions, he and I, we're going to try to do it together.

Thank you.

END

3:50 P.M. EST

Enclose copy of
letter
from newbelle

—

Q: records

You Are Receiving A Fax From



WALCOFF

12015 Lee Jackson Highway, Suite 500 ■ Fairfax, VA 22033
Phone: (703) 934-9848 ■ Fax: (703) 934-9869 ■ TDD: (703) 934-9871

Date:

8/05/94

Project No:

3274-001

To:

Stanley Herr

Company:

White House / Office of Domestic Policy

Fax No.:

(202) 456-7028

Contact No.:

Name of Sender:

Dana Washburn (703) 267-3665

Number of pages including cover page:

7

Comments:

Per a message from Ray Glazer,
here is the agenda for the upcoming
NIDRR meeting. You are welcome to
attend any session.

The National Institute on Disability and Rehabilitation Research (NIDRR)

ADA Technical Assistance Project Directors' Meeting

Draft Agenda as of 8/05/94

**Ritz-Carlton Hotel at Pentagon City
Arlington, VA
Salon III**

**Monday, August 15, 1994
8:00 a.m. – 5:00 p.m.**

- | | | | |
|-------|---|-------|--|
| 8:00 | – | 9:00 | Continental Breakfast |
| 9:00 | – | 9:05 | Opening Remarks |
| | | | <i>David Esquith, NIDRR</i> |
| 9:05 | – | 10:00 | Hispanic Outreach Update and Future Plans |
| | | | <i>Lex Frieden, Southwest DBTAC</i> |
| | | | <i>Wendy Wilkinson, Southwest DBTAC</i> |
| | | | <i>Blanca Maturino, Southwest DBTAC</i> |
| 10:00 | – | 10:15 | Welcome & Introduction |
| | | | <i>Katherine Seelman, NIDRR Director</i> |
| 10:15 | – | 11:00 | U.S. Department of Justice, Public Access Section |
| | | | <i>John Wodatch, Ruth Lusher, Liz Savage, Irene Bowen, and Merrily Freidlander</i> |
| | | | Title II, Title III, and TA Grants Projects–Panel Discussion |
| 11:00 | – | 11:15 | Break |
| 11:15 | – | 12:30 | U.S. Department of Justice, Public Access Section (cont'd) |
| 12:30 | – | 1:00 | ADA Core Curriculum |
| | | | <i>Elaine Ostroff, Adaptive Environments</i> |
| | | | <i>Susanne Bruyère, Cornell University</i> |
| | | | <i>Mary Gardener, Adaptive Environments</i> |
| | | | Introduction |

*Agenda**Monday, August 15, 1994**Page 2*

1:00 - 3:00 **Lunch**

3:00 - 4:00 **ADA Core Curriculum**

Status report

Results of pilot programs

Packaging process/availability

4:00 4:15 **Break**

4:15 5:00 **ADA Core Curriculum (cont'd.)**

Ideas for introduction of program

Update on feedback from American Foundation of the Blind
and Gallaudet University

The National Institute on Disability and Rehabilitation Research (NIDRR)

ADA Technical Assistance Project Directors' Meeting

Draft Agenda as of 8/05/94

Ritz-Carlton Hotel at Pentagon City
Arlington, VA
Salon III

Tuesday, August 16, 1994
8:00 a.m. - 5:30 p.m.

8:00 - 9:00 Continental Breakfast - 2nd Floor
9:00 - 10:15 Equal Employment Opportunity Commission

Sharon Rennert - *policy*
Implementation update

New enforcement guidance: pre-employment disability related inquiries and medical examinations
Future plans for ADA implementation

10:15 - 10:30 Break

10:30 - 11:15 Equal Employment Opportunity Commission (con't)

11:15 - 12:00 DBTAC Reports: State Affiliates

Organization, Structure and Activities
Regions I, II, III, and IV

12:00 - 12:30 National Training Project Updates

Judith Raskin, Parent Information Center
Anne Marie Hughey, National Council on Independent Living

12:30 - 1:00 U.S. Department of Education, Office of Civil Rights

Alice Wender

1:00 - 3:00 Lunch

3:00 - 3:30 National Trust for Historic Preservation

Judy Hayward

③ - 5 min -
Combination
States memo
ADA - summary
Clinton
Completed - *WIT*

Richard
2nd 14/11
3955
Alvord
Pentagon
RT
RT / Mayor Left
Hotel on 11/11
Can remind
constant
case load
Red Tag
2000
combust
in RTI

Agenda

Tuesday, August 16, 1994

Page 2

Tom Mays

3:30 -- 4:00 **Discussion of Cooperation with New Training Projects**

David Esquith, NIDRR

4:00 -- 4:15 **Break**

4:15 -- 4:30 **Update on R&D Grants: Community Planning and Education**

Joe DePhillips, NIDRR

4:30 5:30 **NIDRR: Future Planning and Administrative Issues**

David Esquith, NIDRR

The National Institute on Disability and Rehabilitation Research (NIDRR)

ADA Technical Assistance Project Directors' Meeting

Draft Agenda as of 8/05/94

**Ritz-Carlton Hotel at Pentagon City
Arlington, VA
Salon III**

**Wednesday, August 17, 1994
8:00 a.m. - 3:00 p.m.**

- | | | | |
|-------|---|-------|---|
| 8:00 | - | 9:00 | Continental Breakfast |
| 9:00 | - | 9:45 | DBTAC Reports: State Affiliates

Organization, Structure and Activities
Regions V, VI, VII, and VIII |
| 9:45 | - | 10:00 | TAC Update

<i>Ray Glazier, Abt Associates Inc.</i> |
| 10:00 | - | 10:30 | U.S. Department of Transportation

<i>Ira Laster</i> |
| 10:30 | - | 10:45 | Break |
| 10:45 | - | 11:15 | DBTAC Reports: State Affiliates

Organization, Structure and Activities
Regions IX and X |
| 11:15 | - | 11:30 | Project Update**

<i>Kathy Kirshner, Washington Business Group on Health</i> |
| 11:30 | - | 12:15 | Remarks

<i>Judith Heumann and Howard Moses, Office of Special Education
and Rehabilitative Services</i> |
| 12:15 | - | 2:00 | Lunch |

Agenda

Wednesday, August 17, 1994

Page 2

2:00 - 3:00

The Access Board

David Capozzi

Research, rulemaking and technical assistance:

Current and future planning

Q&A

Larry Roffel

3:00

Adjourn

TELEPHONE RELAY CALL WITH DR. GLENN ANDERSON

DATE: Wednesday, July 27, 1994
LOCATION: Oval Office
TIME: 10:15 - 10:25 a.m.
FROM: Stanley Herr

I. PURPOSE

To congratulate Dr. Anderson on his appointment as chair of the Gallaudet University Board of Trustees and to highlight the development of telephone relay systems as one of the accomplishments of the Americans with Disabilities Act.

II. BACKGROUND

Dr. Anderson is the first African-American and only the second deaf person to lead Gallaudet's Board of Trustees. You may recall that Dr. Anderson sat next to you at the commencement exercises at Gallaudet University and that you were introduced to his wife Karen at that event. Dr. Anderson has served on your Governor's Commission on People with Disabilities (1983-1989), chairing it from 1987 to 1989. He is a professor at the University of Arkansas in Little Rock and its Director of Training for the Rehabilitation and Research Training Center for Deaf and Hard of Hearing Persons. Both Dr. Anderson and his wife worked on your presidential campaign in Little rock. You may also recall that Karen was instrumental in opening the campaign to deaf people by setting up TDD telephone communications.

Telephone relay systems now operate in all fifty states and the District of Columbia. They represent one of the most tangible and universally acclaimed aspects of ADA implementation. You previously used this system to communicate with Senator Tom Harkin's brother who is deaf. Your use of this system in connection with the fourth anniversary of the ADA is another way to highlight for the public how the ADA permits the full participation of Americans with disabilities in all facets of life. For the x million citizens who are deaf or hard of hearing, telephone relay systems are, among other things, a potentially life-saving link to medical and emergency services.

III. PARTICIPANTS

You will talk to Dr. Anderson with a relay operator serving as the transcriber/translator of your conversation.

Tips on using the relay system:

- You should address Dr. Anderson directly.

- When you have completed an exchange and await Dr. Glenn's reply, say "GO AHEAD."
- When you have completed your entire conversation and wish to close it off, you could say "SIGNING OFF AND GOODBYE" or something equivalent.
- Since the relay operator has to type your side of the conversation, you should speak slowly but naturally.
- There will also be pauses while Dr. Anderson types his side and the operator reads it to you, thus putting a premium on concise exchanges that both respond and advance the conversation.
- Don't be surprised if Dr. Anderson throws in the word "Smile" to signify humor or appreciation of some point.

IV. PRESS PLAN

White House photo only. Closed press with satellite feed audio and video available. Press had also been invited to be present at the Little Rock side of your telephone call.

V. SEQUENCE OF EVENTS

During your conversation with Dr. Anderson, a television monitor set up in the Oval Office will permit you to view him on the telephone call.

After your call to Dr. Anderson, you will proceed with the South Lawn Event to mark the Fourth Anniversary of the ADA.

VI. REMARKS

See talking points on the following page.

TALKING POINTS FOR CALL WITH DR. ANDERSON

Since there are only 10 minutes allotted for this phone call and the relay system may make this conversation the equivalent of a 5 minute chat, I offer the following talking points:

Opening: I want to congratulate you on your appointment as the chair of the Gallaudet University Board of Trustees, and your great career in rehabilitation work. It is also a pleasure to be using this telephone relay system because I know how important a link it is to millions of Americans. GO AHEAD

[Dr. Anderson has told me that he wants to thank you for your appearance at the Gallaudet University commencement, and tell you what an honor you bestowed on the University and how your remarks have inspired deaf people all over America.]

Response: It was inspiring to me to see your graduates and hear how far their dreams have taken them. And I appreciate the spectacular support we've been receiving from the deaf and disabled communities on health care reform. GO AHEAD

[Dr. Anderson believes that people with disabilities care about improving health care by making it universally available and sensitive to the needs of people with disabilities. This also means improving reasonable accommodations for such persons by health care providers].

Response: I'm so proud to have your support and the help of your wife Karen as we make health and other services more accessible to people with disabilities. And I'm so proud that the ADA is working and gives us telephone relay systems like this one in all 50 states.

[Dr. Anderson may speak to what a difference in his life, and the lives of other deaf and hard of hearing persons, the ADA and telephone relay systems make].

Closing: Thank you for all that you've done to bring the ADA to life. and i understand from one of my aides that you have

**picture you would like me to autograph. It would be my
pleasure to do so. Good-bye and congratulations again.
SIGNING OFF**