

Rue

MEMORANDUM

Date: December 30, 1994
To: Senator Dole
From: Alec Vachon 
Re: TALKING POINTS FOR "FACE THE NATION" ON ADA

SENATOR, SOME PEOPLE THINK ADA IS A BURDEN TO STATE AND LOCAL GOVERNMENTS, THAT ADA IS AN UNFUNDED MANDATE. WHAT DO YOU HAVE TO SAY TO THAT?

- * Think of this another way--what would happen if ADA were repealed? In the U.S. Constitution, there is something called the 14th Amendment, which says people are entitled to "equal protection of the laws." That means if a State or local government provides any service, then it must make it available on an equal basis to all people, including those with disabilities.
 - * Let's remember what we are talking about here--voting, getting a license, zoning permits, attending public meeting, paying taxes--basic rights and responsibilities.
 - * In my view, ADA protects State and local governments from excessive burdens. All ADA says is that state and local governments have to figure out some way to make their services available. Architectural changes in existing buildings are only required where there is no other way of making a service accessible. Of course, public meetings must be held in an accessible place.
- KANSAS EXAMPLE: In Scott County, the County Commissioners moved the courtroom from the inaccessible second floor to the accessible first floor, so people in wheelchairs could attend court sessions and other public meetings. They then moved county offices to the second floor. There is a buzzer on the first floor, and when pressed a clerk comes down to take care of business for anyone who can't make it upstairs.
- * Also, ADA says if making a service accessible is an undue burden, State and local governments don't have to do it.
 - * If you think ADA is tough, just try the Federal courts. Courts might require full architectural accessibility--and that could be very, very expensive. And forget about an "undue burden" defense.
 - * In fact, you might call ADA "The State and Local Government Disability Flexibility and Relief Act."

- * Also, I take exception to the "unfunded" label. Since 1985, Congress has provided State and local governments with \$29 billion in Community Development Block Grants (CDGB). They have used about \$136 million for handicapped access. They could use more, that is their choice.

- * Also, you should know that there is very little new in ADA that has been required by the Federal government since 1973 as a condition of receiving Federal funds. The Federal government made the commonsense requirement that any program that uses Federal funds should be available to all people, including those with disabilities. Frankly, many State and local governments looked the other way for a long time.

- * One last point--remember, people with disabilities are taxpayers, too. I have not heard anyone say people with disabilities should not have to pay taxes.