

HOW I OVERCAME MY PHYSICAL HANDICAP

My handicap is a result of wounds received in Italy in 1945 while serving with Company I, 85th Infantry, 10th Mountain Division.

In brief, I was hospitalized from April 14, 1945 to July 29, 1948, and received treatment during this period for the following - fracture of the right humerus, clavicle and scapula; infection and stones in right kidney resulting in removal of that kidney; pulmonary infarction; fracture of the 5th cervical vertebrae and injury to the spinous processes from C-3 to C-8 resulting in paralysis of all extremities and temporary loss of bowel and bladder function; stones and infection in left kidney.

Rehabilitation for me started with learning to walk again, to feed myself, to write left-handed and ultimately learning to partially dress myself with one hand which was void of normal feeling. These achievements were accomplished partly because of my dogged determination to get well, but equally responsible for my resurgence was the sympathetic understanding and encouragement I received from my wife, my family, hospital personnel, and people from my hometown who generously contributed over \$1500 so that I might undergo treatment by an orthopedic specialist.

The most difficult obstacle faced along rehabilitation road was returning to civilian life. I possessed the feeling of security and pride which accompanies the wearing of a uniform, and the abrupt transformation from soldier to civilian left me with an indescribable, helpless feeling. Without the uniform, I was just another physical oddity to those who did not know, and this change from hero to spectacle made me shy from social contacts with anyone except intimate friends and ultimately left an imprint of inferiority which is not yet entirely erased.

This helpless feeling, real or imaginary, was somewhat erased when I returned to college in September, 1948. Going to school was difficult, for

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my right arm was not functioning at all and the left only partially; hence it was necessary that my wife accompany me to take notes, carry books, and write those examinations which I could not take orally.

The following year the Veterans Administration furnished me a recording machine which I use to pick up lectures; also provided me with a special typewriter with a left hand keyboard which I now operate quite rapidly.

Though I am jokingly referred to as "part man, part machine" by fellow-classmates, nevertheless, I have maintained a grade average of 2.67 out of a possible 3.00 in Law School. In February, 1952, I will graduate, receiving combined A.B. and L.L.B. degrees.

Besides attending school, I am an elected member of the House of Representatives in the State Legislature. Serving in the Legislature has been of tremendous value in restoring confidence and speeding social rehabilitation.

Though rehabilitation is an endless task, I feel confident that the most difficult period has passed. I have not made any appreciable economic gain, but I have salvaged happiness and security out of bitter disappointment by rebuilding shattered dreams and reshaping aspirations. I give thanks to God for this opportunity which was denied the many who made the supreme sacrifice.

Robert J. Dole

THE DOLE FOUNDATION

FOR EMPLOYMENT OF PEOPLE WITH DISABILITIES

WHAT YOU NEED TO KNOW ABOUT THE AMERICANS WITH DISABILITIES ACT (ADA)

1. Q: Do we need an ADA?

A: Yes. No existing civil rights bill covers Americans with disabilities at the federal level. Many states have legislation prohibiting discrimination against people with disabilities, but the federal government has no such anti-discrimination legislation. Disabilities affect people regardless of race, sex, or age. Discrimination against people with disabilities exists and needs to be addressed and corrected. The ADA will provide the necessary protection.

2. Q: Who is affected by the ADA?

A: - All people with disabilities as defined under the act
- Private businesses, both large and small
- Places of public accommodation
- Public and private transportation providers

3. Q: What is the scope of the protections provided by the ADA?

A: The ADA is an anti-discrimination bill prohibiting discrimination based on disabilities in employment, public services, public accommodations, and communications. It provides for remedies similar to the Civil Rights Act of 1964.

4. Q: How will the ADA affect the private sector?

A: Private sector employers who do not receive federal funds, either through contract or grant, will be prohibited from discriminating against people with disabilities. Privately owned places of public accommodation (e.g., restaurants, shops, stadiums, concert halls, etc.) may not discriminate against people with disabilities and must provide readily achievable access. Privately owned public transportation services must provide accessible transportation to people with disabilities. Telecommunications companies will be required to bid to provide relay services for the hearing or speech impaired.

5. Q: Does the ADA provide special privileges for people with disabilities?

A: No. The ADA does provide that reasonable accommodations must be made for the limitations of qualified disabled people. However, these accommodations may not cause undue financial hardship to the employer or the provider.

AMERICANS WITH DISABILITIES ACT (cont.)

6. Q: Will the ADA cost American business more money?

A: While the provision of accommodations may sometimes incur costs, once provided the accommodations will allow the addition to the work force of millions of qualified workers with disabilities, which will far outweigh the cost of reasonable accommodations overall. In addition, tax deductions are available for such accommodations, and many studies have shown that 85% of these accommodations cost less than \$500. Annually the nation spends an estimated \$300 billion on disability-related costs. At present, two-thirds of the disabled work force are unemployed; placing these individuals in jobs will greatly decrease public disability payments while increasing the tax base.

7. Q: Does the Bill cover persons with infectious diseases?

A: The Bill covers those who are HIV positive and people with AIDS. However, the Bill does not protect people who are a direct threat to the health and safety of their co-workers.

8. Q: Does the bill protect people who abuse drugs and alcohol?

A: No. The Bill does not protect illegal use of drugs and alcohol at the workplace. It also does not prohibit the employer from testing for drug and alcohol use.

9. Q: Does the bill foster litigation?

A: No. There are no provisions in the Bill for punitive damages, i.e., pain and suffering, which would result in large court settlements. The Bill provides for such remedies as back pay, reinstatement and equitable solutions in cases of proven discrimination.

10. Q: Will the passage of the ADA promote employment of qualified persons with disabilities?

A: Yes. Qualified persons with disabilities will be able to board public transportation to and from work, work in private sector businesses, attend the theater and other public gatherings and be consumers of goods. The many barriers which existed as disincentives to employment of people with disabilities will be removed by this legislation nationwide for the first time in American history.

FEDERAL REPORT



President Al Gore leads the nation's shift to other fuels.

Unfunded federal mandates disable states, legislator says

By Greg Pierce
THE WASHINGTON TIMES

The Americans With Disabilities Act "is just destroying us," a Missouri state legislator told Rep. James P. Moran Jr. and Sen. Paul Simon yesterday.

Chris Kelly, chairman of the Missouri House Budget Committee and "a die-hard Democrat," made the comment during a session of the State-Federal Assembly of the National Conference of State Legislators, which is meeting in Washington this week.

Mr. Moran, Virginia Democrat, was finishing his presentation on unfunded mandates — federal laws that force state or local governments to pay the bill — when Mr. Kelly interjected, "You guys are just killing us."

Mr. Kelly said his committee has wrestled with ways to pay for the disabilities act, which mandates that facilities be made accessible to the disabled.

Mr. Moran said he was absent the day the bill was approved but probably would have voted for it.

"What you're saying is right on target," Mr. Moran said. "That's not to say ADA was not a good piece of legislation," but it has caused budgetary problems for the states.

Mr. Simon, Illinois Democrat and a co-sponsor of the law, said, "I would take a good look at the law and what people say you ought to be doing."

The senator said a school district in his home state had complained that because of the law it would have to spend \$30,000 on an elevator, but it turned out a \$580 ramp would suffice.

"We tried to make it [the law] practical," Mr. Simon said.

Mr. Kelly said he and his colleagues on the Missouri House Budget Committee had heard such stories but found there wasn't much wiggle room.

"Senator, it is the law," he said. "I beg you, stop" the mandates, he told both men.

Earlier, Mr. Moran said there will be "some very serious problems" with unfunded mandates in the president's health care plan, but "it is absolutely impossible" to have legislation without them.

He said he favors legislation requiring that every bill include estimates of the cost to state and local governments as well as the private sector. Such estimates would operate like an environmental impact statement, he said.

The Virginia congressman, who had to deal with such mandates as

mayor of Alexandria, said they are unfair because state and local officials are so caught up in federal mandates that they can't set their own priorities.

Mr. Moran said he opposes legislation by Sen. Dirk Kempthorne, Idaho Republican, and Rep. Gary Condit, California Democrat, that would require federal funding of all mandates.

He said he has "serious questions" about the motives of those favoring the Kempthorne-Condit bill and thinks it may just be an attempt to stop federal spending.

Mr. Simon said he supports the Kempthorne bill.

Environmental groups are the most likely to oppose curbs on mandates, Mr. Moran said, because environmental laws often cost a great deal to enforce. If the unfunded costs of such bills were known, they would never get out of committee, he said.

Mr. Simon, speaking out for a balanced-budget amendment to the Constitution, said the Wall Street Journal editorial page had warned that it would lead to tax increases. The New York Times editorial page, on the other hand, warned that it would lead to spending cuts.

They're both right, the senator said.

Mauro, chairman of the fuel conversion task force, president was a catalyst for the conversion and dropped a not-so-quiet hint that he was ready to set

ple. Mauro said that during his time at the White House a few years ago the president "leans back" and said, "Isn't it time that I get out of those or ride in one of

I said, 'Yes, sir, Mr. President.' He said, 'Well, let's work on it,' said Mr. Mauro, who had a similar fleet conversion program in Texas when he was state agriculture commissioner.

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it would be better to let the commission handle it. Matt DeFife, director of the Budget and Taxation Committee at the National Conference of State Legislatures, said the advisory commission is planning the summit opening.

— Greg Pierce

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HOLIDAY WAREHOUSE



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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.