



Department of Justice

STATEMENT OF

ATTORNEY GENERAL
DICK THORNBURGH

AT THE PUBLIC HEARING

ON

AMERICANS WITH DISABILITIES ACT REGULATIONS

WEDNESDAY, MARCH 13, 1991
WASHINGTON, D.C.

I am most pleased to welcome you to these Department of Justice hearings on proposed regulations under the Americans with Disabilities Act, which I believe to be the next great leap forward in our civil rights movement.

The ADA was passed by Congress, and signed into law by the President on a bright sunny day last summer -- new civil rights legislation in which the President has long taken a strong personal interest. President Bush has shown an intuitive understanding of the situation of those with disabilities -- as his counsel C. Boyden Gray can attest. So can I myself. As the parent of a mentally retarded son, involved over most of my adult life in seeking to assure the rights of persons with disabilities, I have seen how committed the President is to new hope and real action for our citizens with disabilities.

The impact of the ADA is broadening, inclusive, even re-awakening. At a moment of some controversy over other aspects of our civil rights laws, ADA represents a bright, liberating force in our history. Its coming impact upon our communal life can be described in straightforward but startling terms.

Consider these demographic figures, from the latest census. Over thirty million Black Americans make up 12.1 percent of our populace. Hispanic Americans -- over 22 million -- comprise 9 percent, and over 7 million Asian Americans are 2.9 percent.

Other minorities listed by the 1990 census -- some 10 million -- comprise another 4.7 percent.

But 43 million Americans with disabilities represent 17 percent of the nation.

So you are here today to help the number of those potentially empowered by our civil rights laws in this country increase by 60 percent. The job we must do for civil rights today is over half again as large as it was only yesterday.

And it goes beyond the numbers. Each time civil rights are enlarged in this country, they extend over the whole of our society. All Americans, not just those directly affected, are involved in every new extension of our civil rights. The passage of ADA is truly another emancipation -- not only for the 43 million Americans with disabilities who will directly benefit, but even more so for the rest of us -- now free to benefit from the contributions which these Americans will make to our economy, our communal life, and our individual well-being.

So today, we turn our attention to the detailed blueprints required to implement and enforce Titles II and III under the ADA. Assistant Secretary for Civil Rights John Dunne will discuss with you the exact parameters we have attempted to follow in drawing up these proposed regulations. I only want to

indicate the balance we have tried to keep between competing liberties. We have attempted to preserve and clarify the delicate balance struck by Congress in the ADA between the right of individuals with disabilities to enter the mainstream society and the right of businesses and state and local governments to be spared undue economic burdens.

We believe we have weighed these matters carefully and fairly, and that the scales stand even. Justice too is often seen as an individual with a disability -- a deliberate blindness that is presumed, in fact, to increase her fairness of judgement. We trust so, but not unless and until every relevant fact has been placed upon those scales. Your input today -- and throughout the public comment period -- is indispensable to such a weighing, to sharpen and improve our legal acumen as we move toward publishing final rules.

Speaking for the Department of Justice, we are eager to take up this responsibility for framing the regulations necessary for compliance with the Act and effective enforcement of its provisions. We accept this responsibility not as a burden, but as one more opportunity to further guarantee equal protection under the law for every citizen of this nation. And in the end, I do believe that is what makes us all the real beneficiaries of any progress on civil rights.