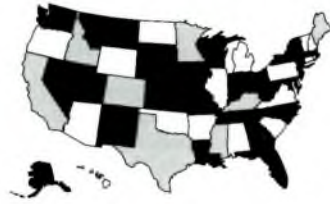


# Washington Hotline



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The **Americans with Disabilities Act (ADA)**, which provides major new civil rights protections for disabled persons, was signed into law by President Bush on July 26, 1990. Many of the provisions take effect on January 26, 1992, eighteen months after enactment, and college and research librarians should be aware of the Act's requirements.

The new law (PL 101-336) prohibits discrimination against the disabled in employment, public accommodations, public services, and transportation. Employers are prohibited from discriminating against a disabled person who can perform the essential functions of the job. Unless it would create an undue hardship requiring significant difficulty or expense in light of several factors listed in the statute, employers must make reasonable accommodation for the disabled.

Private entities such as libraries are generally considered public accommodations and are prohibited from discriminating against the disabled. Such entities must remove architectural barriers if readily achievable, or use alternative methods to provide services. New construction and renovation of public accommodations are required to be accessible.

Many of the provisions of the law are based on the Rehabilitation Act of 1973 which prohibits discrimination against disabled persons by recipients of federal funds. Virtually all campus libraries were already covered by those provisions. Nevertheless, libraries should review policies for compliance.

Regulations or guidelines to implement the ADA were published in the July 26, 1991, *Federal Register*:

- The Architectural and Transportation Barriers Compliance Board issued final guidelines (56 FR 35409-542) to assist the Department of Justice to establish accessibility standards for new construction and alterations in places of public accommodation and commercial facilities. Section 8 of the guidelines applies specifically to libraries and is generally taken from the Uniform Federal Accessibility Standards.

Several commenters reacting to the earlier proposed guidelines expressed concern about the lack of requirements for braille and voice input/output terminals for catalogs. The Board did not address this matter, saying that it was under the purview of the Department of Justice. However, the Justice Department did not address the issue in its rules listed below.

- The Department of Justice published rules implementing ADA title III relating to public accommodations (56 FR 35544-604), and on Nondiscrimination on the Basis of Disability in State and Local Government Services under the ADA (56 FR 35694-723).

- The Equal Employment Opportunity Commission published rules on Equal Employment for Individuals With Disabilities under the ADA (56 FR 35726-56).

The American Council on Education has assembled a packet of information on the ADA by the legal firm Proskauer Rose Goetz & Mendelsohn. The ACE packet or further information may be available locally through your campus disability service director or coordinator. You

may also contact ACE's Project HEATH (Higher Education and Adult Training for people with Handicaps). The director of HEATH is Rhona C. Hartman, HEATH Resource Center, One Dupont Circle, Washington, DC 20036-1193; phone (202) 939-9320 or (800) 544-3284 (voice/TDD on both lines) or fax (202) 833-4760. The ACE materials are quite helpful but are not geared to specific library situations.

From these materials it appears that most campuses have been complying with the spirit and letter of the ADA. However, additional accommodations may be required on some campuses. The ADA is expected to be enforced more aggressively than the Rehabilitation Act. Finally, and most importantly, the ADA will significantly increase opportunities for disabled persons. According to the National Center for Education Statistics, 10.5 percent of students enrolled at all levels of postsecondary education have one or more handicapping conditions.

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## Letters

### Kudos for conference coverage

To the Editor:

I wanted to extend my compliments to you for the article in the September 1991 issue covering the ACRL programs at ALA. As one who was unable to attend the conference, I had planned to nag colleagues and friends for information on certain of the meetings. The summaries supplied answered most of my questions, negating the need to nag my colleagues (about the conference, at least). I hope to see articles like that one in the future.—*Linda Musser, Penn State University*

### Rust support evil?

To the Editor:

ACRL & ALA have NO business in being concerned about RUST. The library profession should be concerned about libraries, nothing else! Besides, in common sense, RUST is about whether my tax dollars will be used to espouse abortion. I for one, do NOT want my tax dollars to support abortion! It has nothing to do with the first amendment. It's about whether my tax dollars will be used to encourage abortion. I am adamantly [sic] opposed to using my tax dollars and my ALA membership to support what ultimately is nonsense & evil!—*Virgil F. Massman, Saint Paul, Minnesota*

*Ed note:* We asked Ann Levinson of ALA to respond to Mr. Massman.

Dear Mr. Massman:

I believe there has been a serious misunderstanding of ALA's position and motivation in filing an *amicus* brief before the United States Supreme Court in *Rust v. Sullivan*. You state, "The library profession should be concerned about libraries, nothing else!" This is **exactly why** the American Library Association and the Freedom to Read Foundation filed a brief in *Rust*.

The essential point of the brief is this: While libraries take no position on the underlying issue of abortion, they do make information from all points of view available and accessible. Material which espouses or advocates abortion, **as well as** material which vehemently opposes it, is available in library collections. Library users, having access to all of these materials, are thus able to fully inform themselves about the underlying issues.

The "gag rule" which ALA argued against in the *Rust v. Sullivan* case allows the government to link ideological, viewpoint-based restrictions to the activities it funds. Taken to its logical extreme, this notion could limit the information libraries acquire with federal funding on any potentially controversial topic. It is essential, however, that libraries be able to provide ideas and opinions from all points of view—after all, a person who has strong feelings on a topic will never be able to argue their case effectively unless they can counter the opinions of those who disagree. To do that, one must be informed about those opinions and positions. Thus the *Rust v. Sullivan* decision has everything to do with the First Amendment. We must guard against the chilling precedent set in this case being extended to libraries.

Finally, your tax dollars, and your ALA membership, go to support the provision of professional, equitable, and principled library service. This will be impossible if the government (or any individual!) is allowed to dictate which information will or will not be available in publicly supported libraries, based solely upon their personal convictions and opinions. In the process, First Amendment rights will obviously suffer irreparable harm.

I hope I have clarified ALA's motivation for filing, and the concerns behind, our brief in *Rust v. Sullivan*.—*Anne E. Levinson, Assistant Director, ALA Office for Intellectual Freedom* ■ ■