

MEMORANDUM

Da: February 17, 1995
Fr: Alec Vachon
Re: Affirmative Action and Disabled

Kerry raised the issue whether or not the disabled should be included in any discussion of affirmative action. I would be very interested in reaction to such remarks, but you should be aware:

1. Disabled don't get much affirmative action--for example, disabled are generally not included in Federal and state contract preferences and Small Business Administration 8(a) programs. There is a requirement that Federal contractors--and the Federal Government--practice affirmative action for the disabled, but it is ignored.
2. ADA does not include any affirmative action. In fact, statistical evidence used to prove discrimination against women and blacks--i.e., fewer blacks or women are employed by a business than live in a surrounding community--has not been used in ADA employment discrimination cases. Probably never will be--too hard to collect good numbers.
3. The proposed California ballot initiative on eliminating affirmative action does not include the disabled.
4. People think differently about the disabled than women or minorities--perhaps more worthy of special, public help.

On the other hand, if we believe that disabled only want equal treatment, not special treatment, then including them in the affirmative action debate is consistent with that message.

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NH Briefing Book

cc: Dan -
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